

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES  
1934

VOLUME 24      NUMBER 89

Washington, Thursday, May 7, 1959

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER C—EXPORT PROGRAM REGULATIONS

[Announcement CN-EX-7]

#### PART 482—COTTON PRODUCTS EXPORT PROGRAM

##### Subpart—1959-60 Cotton Export Program—Payment-in-Kind

Sec.	
482.201	General statement.
482.202	Definitions.
482.203	General conditions of eligibility.
482.204	Registration.
482.205	Cancellation of sale or failure to export.
482.206	Payment rate.
482.207	Amount due exporters.
482.208	Export conditions.
482.209	Application for cotton export payment.
482.210	Satisfactory evidence of exportation.
482.211	Cotton Export Payment Certificates.
482.212	Assignments.
482.213	Records and reports.
482.214	Amendment or termination.
482.215	Good faith.
482.216	Persons not eligible.

**AUTHORITY:** §§ 482.201 to 482.216 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 203, 70 Stat. 183; 15 U.S.C. 714c, 7 U.S.C. 1853.

#### § 482.201 General statement.

In order to encourage the movement of cotton by the commercial cotton trade into export channels, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a Cotton Export Program (referred to in this subpart as the "program") under which payments in the form of certificates redeemable in cotton from CCC's stocks will be made to exporters in connection with the exportation during the 1959-60 cotton marketing year of upland cotton produced in the continental United States. The program will be administered through the CSS Commodity Office,

Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"). Additional information pertaining to the operation of the program may be obtained from the New Orleans office.

#### § 482.202 Definitions.

(a) *Cotton*. "Cotton" means upland cotton grown in the continental United States of grades named in the Universal Standards for American Upland Cotton and having a staple length of  $\frac{13}{16}$ -inch or longer: *Provided, however*, That reginned or repacked cotton as defined in regulations of the Department of Agriculture under the United States Cotton Standards Act (Service and Regulatory Announcement No. A.M.S. 153, Title 7, Chapter 1, Part 28 of the Code of Federal Regulations) shall be eligible for export hereunder only if a Form A certificate issued by a Board of Cotton Examiners of the U.S. Department of Agriculture shows that the reginned or repacked cotton exported was  $\frac{13}{16}$ -inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton.

Below grade cotton, reginned or repacked cotton (unless proof of export includes a Form A certificate), or by-products of cotton, such as cotton mill waste, sweepings, linters, motes, and other such by-products of cotton, are not eligible hereunder.

(b) *Export*. "Export" means the shipment from the continental United States to an eligible destination as specified in § 482.208: If cotton is exported under this subpart, the date which appears on the applicable on-board ocean bill of lading, or if shipment is by rail, the date the shipment clears United States Customs, will be accepted hereunder as the date of export.

(c) *Exporter*. "Exporter" means any individual, partnership, corporation, association, or other business entity, which is located and maintains a business organization within the continental United States, and which is engaged in the business of exporting cotton.

(d) *Director*. "Director" means the Director of the New Orleans office.

(Continued on p. 3689)

## CONTENTS

	Page
<b>Agricultural Marketing Service</b>	
Notices:	
Grain warehouses; unit price for grain for net assets and bond purposes.....	3709
Proposed rule making:	
Milk; in New Orleans, La., marketing area.....	3697
Rules and regulations:	
Dry bean warehouses; net assets and bond regulations, amended.....	3692
<b>Agriculture Department</b>	
See Agricultural Marketing Service; Commodity Credit Corporation.	
<b>Alien Property Office</b>	
Notices:	
Vested property; intention to return:	
Kardos, Dr. Denes.....	3701
Sato, S/Sgt. Shigeru, and Mrs. Hina Hattori Sato.....	3701
Schmidt, Mrs. Auguste.....	3701
<b>Civil and Defense Mobilization Office</b>	
Notices:	
Indiana; major disaster; additional counties.....	3714
<b>Civil Service Commission</b>	
Rules and regulations:	
Exceptions from competitive service; Army Department....	3692
<b>Coast Guard</b>	
Notices:	
Marine Inspection Office; establishment at Wilmington, N.C....	3701
<b>Commerce Department</b>	
See Federal Maritime Board.	
<b>Commodity Credit Corporation</b>	
Rules and regulations:	
Cotton export program, 1959-60; payment-in-kind.....	3687
<b>Education Office</b>	
Rules and regulations:	
Federal assistance in construction of minimum school facilities in areas affected by Federal activities; second deadline for applications for funds for fiscal year 1959....	3694



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 14, Part 400 to end (\$1.50)

Title 47, Parts 1-29 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50, Rev. Jan. 1, 1959 (\$4.00); Parts 51-52, Rev. Jan. 1, 1959 (\$6.25); Parts 900-959 (\$1.50); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 10-13, Rev. Jan. 1, 1959 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Title 18 (\$0.25); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

## RULES AND REGULATIONS

### CONTENTS—Continued

<b>Federal Aviation Agency</b>	Page
Proposed rule making:	
Technical standard orders for aircraft materials, parts, processes and appliances:	
Air carrier airborne selective calling and Loran A receiving equipment.....	3700
Aircraft:	
Altimeter, pressure actuated sensitive type.....	3699
Fabric, intermediate grade and Grade A.....	3699

### Federal Communications Commission

<b>Notices:</b>	
Hearings, etc.:	
Chronicle Publishing Co. (KRON-TV) and American Broadcasting-Paramount Theatres, Inc. (KGO-TV).....	3708
Fuller, William Farmer III, et al.....	3707
Skelly, Louis W., and Mon-Yough Broadcasting Co. (WMCK).....	3706
Southbay Broadcasters.	3707
Virgin Islands Broadcasting System.....	3708

### Federal Maritime Board

<b>Notices:</b>	
Certain ocean freight forwarders; show cause orders (2 documents).....	3704, 3705

### Federal Power Commission

<b>Notices:</b>	
Hearings, etc.:	
Bass, Harry W.....	3713
Glasscock, C. G., Oil Co.....	3710
Humble Oil & Refining Co.....	3710
Hunt Oil Co.....	3710
James, T. L., & Co., Inc.....	3712
James, T. L., & Co., Inc., et al.	3712
Midwest Natural Gas Corp. et al.....	3711
Pacific Power & Light Co.....	3714

### Fish and Wildlife Service

<b>Notices:</b>	
Certain designated officials of Bureau of Sport Fisheries and Wildlife; delegation of authority with respect to contracts and leases of lands, interests therein, and water rights.....	3703

### Health, Education, and Welfare Department

See Education Office.

### Indian Affairs Bureau

<b>Rules and regulations:</b>	
Issuance of patents in fee, certificates of competency, sale of certain Indian lands, and reinvestment of proceeds; miscellaneous amendments.....	3692

### Interior Department

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.

<b>Notices:</b>	
Indian Affairs Bureau; delegation of authority; lands and minerals.....	3703

### CONTENTS—Continued

<b>Internal Revenue Service</b>	Page
Proposed rule making:	
Alcohol, tobacco, and other excise taxes; stills.....	3695
<b>Rules and regulations:</b>	
Income tax; taxable years beginning after December 31, 1953; personal holding companies and foreign personal holding companies.....	3693

### Interstate Commerce Commission

<b>Notices:</b>	
Fourth section applications for relief.....	3714
Motor carrier:	
Alternate route deviations....	3715
Applications for "grandfather" certificate or permit.....	3715
Transfer proceedings.....	3717

### Justice Department

See Alien Property Office.

### Land Management Bureau

<b>Notices:</b>	
Nevada; small tract classification, amended.....	3701
Proposed withdrawal and reservation of lands:	
New Mexico.....	3702
Utah.....	3703
Wyoming; order providing for opening of public lands.....	3702

### Reclamation Bureau

<b>Notices:</b>	
Glen Canyon Unit, Colorado River Storage Project—Arizona, Utah; notice to mineral claimants of lands withdrawn.....	3703

### Securities and Exchange Commission

<b>Notices:</b>	
Jacobs, F. L., Co.; order summarily suspending trading....	3714

### Treasury Department

See Coast Guard; Internal Revenue Service.

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

<b>5 CFR</b>	Page
6.....	3692
<b>6 CFR</b>	
482.....	3687
<b>7 CFR</b>	
106.....	3692
<b>Proposed rules:</b>	
942.....	3697

## CODIFICATION GUIDE—Con.

<b>14 CFR</b>	Page
<i>Proposed rules:</i>	
514 (3 documents) -----	3699, 3700
<b>25 CFR</b>	
121 -----	3692
<b>26 (1954) CFR</b>	
1 -----	3693
<i>Proposed rules:</i>	
196 -----	3695
<b>45 CFR</b>	
114 -----	2694

(e) *Export sale.* "Export sale" means a sale by an exporter to a foreign purchaser.

(f) *Date of sale.* "Date of sale" means the date on which the exporter and importer enter into an agreement for the sale of cotton.

(g) *Consignment.* "Consignment" means the shipment of cotton from the continental United States by an exporter prior to the sale of such cotton by the exporter.

(h) *Public notice.* "Public notice" means the filing of a notice with the FEDERAL REGISTER for publication.

#### § 482.203 General conditions of eligibility.

If an exporter exports cotton, as defined in § 482.202(a), from the continental United States to an eligible destination, the exporter will be eligible to receive a payment in the form of a certificate redeemable in cotton from CCC stocks, subject to the following terms and conditions and the other terms and conditions set forth in this subpart:

(a) Such cotton must have been exported in fulfillment of an export sale or consignment registered as provided in § 482.204.

(b) Such cotton must have been exported in accordance with § 482.208.

(c) The exporter must have submitted to the New Orleans office an application for such payment in accordance with § 482.209 and satisfactory evidence of the exportation of such cotton in accordance with § 482.210.

(d) The payment rate shall be determined in accordance with § 482.206.

(e) The amount of the certificate, the method of using the certificate, and other terms and conditions applicable to the certificate will be determined in accordance with §§ 482.207 and 482.211.

(f) Cotton exported pursuant to any program wherein the CCC sales price reflects an export allowance, cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this program, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Title I of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment hereunder), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

#### § 482.204 Registration.

Any export sale of cotton must have been made on or after February 4, 1959, to be registered hereunder. CCC will register an export sale or consignment of cotton when, and only in the event that, the following requirements have been met:

(a) *Telegraphic notice of sale or consignment.* The exporter must send a notice of the export sale or consignment to the New Orleans office by telegram in accordance with the following requirements:

(1) In the case of an export sale, such telegram shall be filed with the telegraph office not later than midnight (exporter's local time) on the date of sale; except that in the case of any sale made on and after February 4, 1959, and before 10 business days after the date on which this announcement is published in the FEDERAL REGISTER, such telegram must be filed with the telegraph office not later than 10 business days after the date this announcement is published in the FEDERAL REGISTER. A notice of sale filed after the applicable date as determined above may be accepted by the Director if he determines that the delay is due to a cause occurring without the fault or negligence of the exporter. The notice must state the date of sale, name and address of the foreign purchaser, country of destination, number of bales sold, and the period of export.

(2) In the case of consignments, such telegram should be filed with the telegraph office when it is determined that the consignment will be made and must be filed prior to export of the cotton. The notice must state the country of destination, number of bales, and anticipated date of consignment.

(b) *Submission of Form 37.* The exporter must send to the New Orleans office a Confirmation of Cotton Sale or Consignment, CCC Cotton Form 37 (hereinafter referred to as "Form 37"), properly executed, in triplicate. The number of bales shown on the Form 37 must agree with the number of bales shown in the telegraphic notice. The Form 37 must be mailed in an envelope postmarked not later than five business days after the date of the telegraphic notice of sale or consignment. An extension of such five-day period may be granted by the Director before or after expiration of such period if he determines that additional time in which to submit the Form 37 is required by the exporter. Supplies of Form 37 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans office.

(c) *Name in which filed.* The telegraphic notice of sale or consignment and the Form 37 must be filed in the name of the exporter who sold or consigned the cotton. If a sale or consignment is made under a trade name, and documents to evidence export will be submitted under such trade name, the telegraphic notice and the Form 37 must show, in addition to the exporter's name, the trade name under which the cotton is to be shipped.

(d) *Refusal of registration.* CCC reserves the right to refuse to register any

sale or consignment if it determines that such sale was made or notice of consignment was filed for the purpose of obtaining a higher rate of payment than otherwise would be applicable. CCC also reserves the right to waive any informality in notice of sale or consignment or Form 37.

(e) *Registration number.* Upon receipt of an acceptable Form 37, a registration number will be assigned by the New Orleans office, and a copy of Form 37 showing such number will be returned to the exporter. All correspondence relating to a sale or consignment for which a registration number has been assigned shall refer to the registration number.

(f) *Exporter's obligation.* The submission of a telegraphic notice of sale or consignment by the exporter shall result in a contract under which the exporter is obligated to export to eligible destinations the quantity of cotton shown in such notice and to submit satisfactory evidence of such exportation in consideration of the obligation of CCC to make a payment hereunder, subject to the terms and conditions of this subpart: *Provided*, That if CCC refuses to register the sale or consignment pursuant to paragraph (d) of this section, the contract shall become null and void.

#### § 482.205 Cancellation of sale or failure to export.

(a) The exporter shall notify the New Orleans office promptly in every case where, after filing a telegraphic notice of sale, a sale is canceled in whole or in part by the exporter or by the importer, stating fully the reason for such cancellation. Such notification shall be by telegram, and if the sale is canceled in part, shall be confirmed by submission of a corrected Form 37 submitted in the same manner as provided in § 482.204. The exporter shall also notify the New Orleans office promptly when, for any other reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the period provided for export under this subpart.

(b) If the Director determines that the exporter has been or will be prevented from exporting in accordance with the requirements of this subpart all or a part of the cotton covered by a registered sale or consignment due to a cause occurring without his fault or negligence, the registration will be canceled with respect to such quantity of cotton. The exporter will be so informed by the Director, and if a corrected Form 37 was submitted by the exporter, a copy will be returned to the exporter.

(c) The program is designed to encourage the exportation through normal trade channels of surplus cotton held in private inventories and in CCC stocks in order (1) to reduce the quantity of cotton which would otherwise be taken into CCC's stocks under its price support program, (2) to promote and expedite the orderly liquidation of CCC stocks, and (3) to maintain and expand the market in friendly countries for United States produced cotton. If the exporter files a telegraphic notice of sale or consignment and fails to export cotton to eligible

destinations in accordance with this subpart in fulfillment of the export sale or consignment (except for the tolerance allowed by the sales contract or trade rules under which the sale was made, a 2 percent tolerance in the case of consignments, or as otherwise approved by CCC), and if the registration has not been canceled by CCC as provided in paragraph (b) of this section, such breach of the contract between the exporter and CCC will result in damages to CCC. Inasmuch as failure of the exporter to export will cause serious or substantial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of additional storage, administrative, and other costs, and increase the expenditures of CCC, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in an amount for each pound of such cotton not exported calculated at a rate equal to one cent per pound plus that amount, if any, by which the maximum payment rate in effect between (i) the date the telegraphic notice was filed, and (ii) the date the exporter gives notice of the cancellation of the sale or consignment or the final date for export, whichever is earlier, exceeds the payment rate on the date the telegraphic notice was filed. It is agreed by the exporter and CCC that the foregoing rate is a reasonable estimate of the probable actual damages that would be incurred by CCC. In addition to the foregoing, CCC may deny an exporter and its subsidiaries or affiliates the right to continue participating in this or any other program administered by CCC for such period as CCC may determine.

#### § 482.206 Payment rate.

The rates of payment will be determined by the Executive Vice President, CCC, and announced from time to time by CCC. In the case of an export sale, the applicable rate of payment shall be the rate in effect on the date of sale. *Provided*, That in the case of a notice of sale filed after the applicable date specified in § 482.204 which is accepted by the Director, the rate of payment on the cotton exported under such sale will be the lower of the rate of payment in effect on the date of the export sale and the rate of payment in effect on the date on which the exporter files the notice of such sale. (The date of sale must be stated in the telegraphic notice and on Form 37 and must agree with the date shown on the documents required under § 482.210.) In the case of a consignment, the applicable rate of payment shall be the rate in effect on the date telegraphic notice of the consignment is filed.

#### § 482.207 Amount due exporters.

The amount due an exporter will be determined by multiplying the applicable payment rate by the actual gross weight of the cotton exported exclusive of any franchised weight and exclusive of patches. Payment will not be made on quantities exported which are in excess of the number of pounds shown on the Form 37 plus, in the case of export sales, any tolerance specified in the sales

contract, including any tolerance contained in the trade rules specifically incorporated in the sales contract, or in case of consignments, a tolerance of two percent.

#### § 482.208 Export conditions.

(a) *Eligible destination.* An eligible destination, to which cotton may be exported under this subpart, shall be any destination outside the continental United States other than Alaska, Hawaii, or Puerto Rico, and other than a country covered in § 482.209(b), unless a license, if required, has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce. It is the policy of CCC not to make payments on the export of cotton to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement the exporter makes the warranty contained in § 482.209(b).

(b) *Time for export.* To be eligible for payment under this subpart, cotton must be exported on or after August 1, 1959, and not later than July 31, 1960.

#### § 482.209 Application for cotton export payment.

(a) *Application for payment.* After exporting cotton in fulfillment of a sale or consignment registered under this subpart, the exporter shall submit to the New Orleans office an original and two copies of Application for Cotton Export Payment, CCC Cotton Form 38 (hereinafter referred to as "Form 38") together with satisfactory evidence of such exportation, as provided in § 482.210, not later than 30 days after the date of the landing certificate (for rail shipments), or on-board ocean bill of lading or on-board endorsement of port or custody bill of lading (for ocean shipments). An extension of the time for submission of the Form 38 will be granted by the Director if he determines that the exporter has been or will be delayed in submitting such form by a cause occurring without the fault or negligence of the exporter. The weight on which payment is claimed must agree with the weight in the exporter's affidavit as provided in § 482.210(g). Supplies of Form 38 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans office.

(b) *Warranty.* By submitting a Form 38 to the New Orleans office, the exporter represents and warrants that the cotton covered by such Form 38 was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to:

(1) Any country or area listed in Sub-Group A of Group B of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau; or

(2) Hong Kong or Macao if a specific license for such exportation or transshipment is required by regulations of

the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.<sup>1</sup>

#### § 482.210 Satisfactory evidence of exportation.

Evidence of exportation, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director:

(a) Separate documents must be submitted to the New Orleans office for each export shipment, and all documents covering any one shipment must be submitted at the same time. The registration number assigned by the New Orleans office must be shown on each document. If the export sale is financed under Public Law 480, the Purchase Authorization Number must also be shown on the documents evidencing exportation. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.209(b) under license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify by license number, in addition to the name and address of the consignee, the license issued by that Bureau. In the case of an exportation or transshipment to Hong Kong or Macao not requiring a specific license the documents evidencing exportation shall contain a statement by the exporter that a specific license was not required.

(b) In the case of sales, there shall be submitted a certified true copy of the sales contract. (The sales contract may be a formal sales contract, sales confirmation, or other documentary evidence of the sale.) If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.

(c) For shipments by ocean carrier, there shall be submitted a nonnegotiable copy of either (1) an on-board ocean bill of lading, or (2) a port or custody bill of lading with on-board endorsement. The bill of lading must be certified by the exporter as being a true copy and must show the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person who exported the cotton and the person to whom it is shipped.

(d) For shipments by rail, there shall be submitted a copy of the railroad bill of lading, certified to by the exporter as being a true copy, under which the cotton is shipped, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the cotton is exported, showing the number of bales,

<sup>1</sup>Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

marks, the place and date of entry, and gross landed weight of the cotton, and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped.

(e) There shall be submitted a copy of the tag list showing the bale numbers under which the cotton is exported and containing a certification by the exporter that the cotton was produced in the continental United States, is of grades named in the Universal Standards for American Upland Cotton, is of staple lengths of  $1\frac{3}{16}$  inch or longer, and unless a Form A certificate is included as provided in subparagraph (f) of this section, that the cotton is not reginned or repacked. Such tag list shall be sworn to by the exporter as true and correct.

(f) If the cotton exported is reginned or repacked cotton, as defined in § 482.202, there shall be submitted a Form A of a Board of Cotton Examiners showing that the cotton was  $1\frac{3}{16}$  inch or longer in staple length and of a grade named in the Universal Standards for American Upland Cotton.

(g) There shall be furnished an affidavit of the exporter reflecting, in relation to each bill of lading, the actual gross weight of the cotton shipped, exclusive of any franchised weight and exclusive of patches. The weights shown must agree with the weight claimed on the Form 38.

(h) If the shipper or consignor named in the bill of lading or landing certificate is other than the exporter named in the Form 37, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or landing certificate submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 37 nor the consignee identified with the sale contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as seller or purchaser of the cotton shown on the documents submitted to evidence exportation.

(i) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director.

(j) If cotton is loaded on board a vessel for shipment to an eligible destination and is destroyed or damaged while on board such vessel and the cotton or the salvage therefrom does not reenter the continental United States and does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.209 (b) without a license, the cotton shall be regarded as having been exported for the purposes of this subpart.

(k) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.208, shall constitute prima facie evidence of failure to export.

#### § 482.211 Cotton Export Payment Certificates.

Upon receipt of a properly prepared Form 38 together with satisfactory evi-

dence of exportation (as provided in § 482.210) of cotton in fulfillment of an export sale or consignment registered under this subpart, the New Orleans office will issue to the exporter a Cotton Export Payment Certificate (CCC Cotton Form 40) for the amount due, subject to the following terms and conditions.

(a) *Payee.* Except as provided in § 482.212, the certificate will be issued only to the exporter who registered the sale or consignment.

(b) *Face value.* The face value of the certificate, which will be shown in the space provided on the certificate, will be the amount due the exporter determined in accordance with § 482.207. More than one certificate in face values totaling the amount due the exporter will be issued in connection with a shipment if requested by the exporter.

(c) *Redemption.* The certificate will be redeemable by CCC in payment for upland cotton purchased for unrestricted use under CCC sales announcements providing for acceptance of such certificate. At its option, CCC may redeem certificates for cash.

(d) *Transfer.* The certificate may be transferred to any person or firm. The certificate must be endorsed by the named payee and the holder who presents it to CCC.

(e) *Expiration.* All certificates shall expire July 31, 1960, or 45 days after the date of the certificate, whichever is later and thereafter will not be redeemable by CCC.

#### § 482.212 Assignments.

No exporter shall, without the written consent of CCC, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 482.211.

#### § 482.213 Records and reports.

The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of three years after date of last payment under any sales registration.

#### § 482.214 Amendment or termination.

CCC reserves the right to amend or terminate any and all of the provisions of this subpart at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton or consignments for which the exporter has filed notice of sale or consignment before the effective date of such amendment or termination.

#### § 482.215 Good faith.

If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under this program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection

with sales previously registered, or both. Such exporter may also be required to return certificates or refund cash to CCC in an amount equal to the amount of the certificates received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

#### § 482.216 Persons not eligible.

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE. The recordkeeping and reporting requirements of this announcement have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Reports Act of 1942.

Issued this 30th day of April 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

#### APPENDIX

##### NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the General License GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group E country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sale or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies



of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-3866; Filed, May 6, 1959; 8:48 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.305(a) is revoked, and subparagraphs (2), (10), and (11) are amended as set out below.

##### § 6.305 Department of the Army.

(a) *Office of the Secretary.* \* \* \*

(2) One Deputy to each of the following: the Assistant Secretary of the Army (Financial Management), the Assistant Secretary of the Army (Logistics), and the Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(10) One Confidential Assistant to the Deputy Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(11) One Special Assistant for Manpower and Personnel and one Special Assistant for Reserve Forces to the Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F.R. Doc. 59-3879; Filed, May 6, 1959; 8:51 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### SUBCHAPTER E—WAREHOUSE REGULATIONS

#### PART 106—DRY BEAN WAREHOUSES

##### Amendments of Net Assets and Bond Regulations

Pursuant to authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268), and delegation of authority at 22 F.R. 1455, §§ 106.5 and 106.12 of the dry bean warehouse regulations (7 CFR 106.5 and 106.12) are hereby amended as follows:

1. The first sentence of § 106.5, relating to net assets required, is changed to read: "Any warehouseman conducting a

warehouse licensed, or for which application for license has been made, under the act shall have and maintain, above all exemptions and liabilities, net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least 22 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate, when stored in the manner customary to the warehouse, as determined by the Administrator, except that the amount of such assets shall not be less than \$10,000."

2. The first sentence of § 106.12(a), relating to basis of amount of bond and additional amounts, is changed to read:

(a) Exclusive of any amount which may be added in accordance with paragraphs (b) and (c) of this section, the amount of such bond shall be at the rate of 33 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate, when stored in the manner customary to the warehouse for which such bond is required, as determined by the Administrator, but not less than \$5,000 nor more than \$200,000. \* \* \*

(Sec. 28, 39 Stat. 490; 7 U.S.C. 268)

The foregoing amendments are deemed necessary to assure more complete protection to holders of receipts for dry beans stored in warehouses under the United States Warehouse Act and are in accord with present requirements made in administration of the act. They should be made effective as soon as possible in order to be of maximum protection to affected persons. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public rule-making procedure on the amendments would be impracticable, unnecessary, and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of May 1959.

GEORGE A. DICE,  
*Director, Special Services Division.*

[F.R. Doc. 59-3878; Filed, May 6, 1959; 8:51 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

#### PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

##### Miscellaneous Amendments

On October 11, 1958, there was published in the FEDERAL REGISTER (23 F.R.

7896-7) a notice of intention to amend Part 121 of 25 CFR. The purpose of this amendment is to facilitate the issuance of orders removing restrictions upon application of the Indian owner pursuant to section 2(a) of the Act of August 11, 1955 (69 Stat. 666). Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment to the Bureau of Indian Affairs within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

During the 30-day period no objections or protests were received. However, some comment was made regarding the proposed amendment to the effect that the language of the statute precluded the entertainment of appeals by the Secretary of the Interior if he had either disapproved an application or failed to approve or disapprove it within 90 days from its date.

This comment was thoroughly considered and discussed. As a result of such consideration and discussion a change has been made in § 121.35(c) by deleting the following language: "an appeal may be made to the Secretary of the Interior, through the Area Director and the Commissioner of Indian Affairs, or"

The proposed amendment to the regulations, as so changed, is hereby adopted and is set forth below. The amendment is effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,  
*Acting Secretary of the Interior.*

MAY 1, 1959.

Sections 121.35 and 121.36 of Part 121 are amended to read as follows:

##### § 121.35 Removal of restrictions, unconditionally.

(a) Upon proper showing to the Secretary of the Interior that an applicant, for the unconditional removal of restrictions pursuant to statutory authority other than section 2(a) of the act of August 11, 1955 (69 Stat. 666), should have the unrestricted control of his allotment or a part thereof, he may remove the restrictions therefrom.

(b) If the restrictions are to be removed pursuant to an application filed under section 2(a) of the act of August 11, 1955 (69 Stat. 666), the qualifications of the applicant shall be the same as those listed in § 121.51 and the factors to be considered in connection with the application shall be the same as those listed in § 121.53. If an order removing restrictions is granted, it shall be effective upon issuance and the effect thereof shall be the same as that described in § 121.52.

(c) If an application for the removal of restrictions pursuant to section 2(a) of the act of August 11, 1955 (69 Stat. 666), is disapproved or there is a failure to approve or disapprove within 90 days of the date of the application, the Indian applicant may apply to the county court for the county in which he or she resides for an order removing restrictions.

**§ 121.36 Removal of restrictions, conditionally.**

With the exception of applications for removal of restrictions filed under section 2(a) of the act of August 11, 1955 (69 Stat. 666), which removals are unconditional, when the Secretary of the Interior finds it to be for the best interest of any applicant that all or part of his restricted lands should be sold with conditions concerning terms of sale and disposal of the proceeds, he may remove the restrictions, to become effective only and simultaneously with the execution of a deed by said applicant and issue an order specifically providing the terms under which the land may be sold and providing for the disposal of the proceeds.

(R.S. 161; 5 U.S.C. 22)

[F.R. Doc. 59-3853; Filed, May 6, 1959; 8:47 a.m.]

## Title 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6376]

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

##### Personal Holding Companies and Foreign Personal Holding Companies

On February 18, 1959, notice of proposed rule making regarding the amendment of the Income Tax Regulation (26 CFR Part 1) for taxable years beginning after December 31, 1953, and ending after August 16, 1954, to reflect the changes made by sections 32 and 33 of the Technical Amendments Act of 1958 (72 Stat. 1631 and 1632), was published in the FEDERAL REGISTER (24 F.R. 1253). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendments as so published are hereby adopted.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to reflect the changes made by sections 32 and 33 of the Technical Amendments Act of 1958 (72 Stat. 1631 and 1632). Except as otherwise provided, the regulations, as so amended, are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.545 is amended—

(A) By striking out section 545(b) (2) and inserting in lieu thereof the following:

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b) (1) (A) and (B) shall apply, and section 170(b) (2) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b) (1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and without

deduction of the amount disallowed under paragraph (8) of this subsection.

(B) By inserting before the period at the end of section 545(b) (4) "computed without the deductions provided in part VIII (except section 248) of subchapter B".

(C) By adding the following historical note at the end thereof:

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631)]

As so amended section 545(b) (2) and (4) and the historical note in § 1.545 will read as follows:

#### § 1.545 Statutory provisions; undistributed personal holding company income.

Sec. 545. *Undistributed personal holding company income.* \* \* \*

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b) (1) (A) and (B) shall apply, and section 170(b) (2) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b) (1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and without deduction of the amount disallowed under paragraph (8) of this subsection.

(4) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172(c)) for the preceding taxable year computed without the deductions provided in part VIII (except section 248) of subchapter B.

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631)]

PAR. 2. Paragraphs (b) and (d) of § 1.545-2 are amended to read as follows:

#### § 1.545-2 Adjustments to taxable income.

(b) *Charitable contributions.* (1) Section 545(b) (2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed personal holding company income of a corporation, the limitations in section 170(b) (1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b) (2) (relating to charitable contributions by corporations) shall not apply.

(2) Although the limitations of section 170(b) (1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b) (2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b) (2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b) (1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence

of section 170(b) (2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b) (8) (relating to expenses and depreciation applicable to property of the taxpayer). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b) (2), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

(3) See the regulations under section 170(b) (1) (A) and (B) with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed personal holding company income. For purposes of such a computation, however, there is allowed as a deduction the amount of the net operating loss (as defined in section 172(c)) for the preceding taxable year, except that, in computing undistributed personal holding company income for a taxable year beginning after December 31, 1957, the amount of such net operating loss shall be computed without the deductions provided in part VIII (except section 248, relating to organizational expenditures) of subchapter B of chapter 1 of the Code.

PAR. 3. Section 1.556 is amended—

(A) By striking out the first sentence of section 556(b) (2) and inserting in lieu thereof the following: "The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b) (1) (A) and (B) shall apply, and section 170(b) (2) shall not apply."

(B) By striking out "the taxable income computed with the adjustments provided in section 170(b) (2)" appearing in the second sentence of section 556(b) (2) and inserting in lieu thereof "the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2)".

(C) By striking out "sections 242 and 248" appearing in section 556(b) (3) and inserting in lieu thereof "section 248".

(D) By inserting before the period at the end of section 556(b) (4) "computed without the deductions provided in part VIII (except section 248) of subchapter B".

(E) By adding the following historical note at the end thereof:

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632)]

As so amended section 556(b) (2), (3), and (4) and the historical note in § 1.556 will read as follows:

#### § 1.556 Statutory provisions; undistributed foreign personal holding company income.

Sec. 556. *Undistributed foreign personal holding company income.* \* \* \*

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1) (A) and (B) shall apply, and section 170(b)(2) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

(3) *Special deductions disallowed.* The special deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.) shall not be allowed.

(4) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172(c)) for the preceding taxable year computed without the deductions provided in part VIII (except section 248) of subchapter B.

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632)]

PAR. 4. Paragraphs (b), (c), and (d) of § 1.556-2 are amended to read as follows:

§ 1.556-2 Adjustments to taxable income.

(b) *Charitable contributions.* (1) Section 556(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation, the limitations in section 170(b)(1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b)(2) (relating to charitable contributions by corporations) shall not apply.

(2) Although the limitations of section 170(b)(1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-per-

cent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556(b)(6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

(3) See the regulations under section 170(b)(1) (A) and (B) with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(c) *Special deductions disallowed.* Part VIII of subchapter B of chapter 1 of the Code allows corporations special deductions in computing taxable income for such matters as partially tax-exempt interest, certain dividends received, dividends paid on certain preferred stock of public utilities, organizational expenses, etc. See section 241. For purposes of computing undistributed foreign personal holding company income, such special deductions, except the deduction provided by section 248 (relating to organizational expenditures) and, with respect to such a computation for a taxable year ending before January 1, 1958, the deduction provided by section 242 (relating to partially tax-exempt interest), shall be disallowed.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed foreign personal holding company income. For purposes of such a computation, however, there is allowed as a deduction the amount of the net operating loss (as defined in section 172(c)) for the preceding taxable year, except that, in computing undistributed foreign personal holding company income for a taxable year ending after December 31, 1957, the amount of such net operating loss shall be computed without the deductions provided in part VIII (except section 248, relating to organizational expenditures) of subchapter B of chapter 1 of the Code.

PAR. 5. The following new section is inserted immediately after § 1.557:

§ 1.558 Statutory provisions; returns of officers, directors, and shareholders of foreign personal holding companies.

SEC. 558. *Returns of officers, directors, and shareholders of foreign personal holding companies.* For provisions relating to returns of officers, directors, and shareholders of foreign personal holding companies, see section 6035.

[Sec. 558 as added by sec. 33(d), Technical Amendments Act 1958 (72 Stat. 1632)]

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,  
Acting Commissioner of  
Internal Revenue.

Approved: May 1, 1959.

FRED C. SCRIBNER, JR.,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-3870; Filed, May 6, 1959;  
8:49 a.m.]

## Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Second Deadline for Applications With Respect to Funds Available During Fiscal Year 1959

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958) issued pursuant to Public Law 815, 81st Congress, as amended by Title I of Public Law 85-620 (72 Stat. 548), is hereby amended by adding a new section in order to establish a second deadline date for filing applications with respect to funds available during fiscal year 1959. The new section reads as follows:

§ 114.21 Second deadline for applications with respect to funds available during fiscal year 1959.

For the purposes of sections 3 and 14 of the act, June 15, 1959, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 12, 72 Stat. 554)

Dated: April 30, 1959.

[SEAL] L. G. DERTHICK,  
United States Commissioner  
of Education.

Approved: May 1, 1959.

ARTHUR S. FLEMMING,  
Secretary of Health, Education,  
and Welfare.

[F.R. Doc. 59-3851; Filed, May 6, 1959;  
8:46 a.m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

I 26 CFR (1954) Part 196 I

### STILLS

#### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7305 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

CHARLES I. FOX,  
Acting Commissioner  
of Internal Revenue.

In order to implement the applicable provisions of the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (72 Stat. 1275), relating to stills and condensers, 26 CFR Part 196 is amended as follows:

PARAGRAPH 1. Section 196.1 is amended to read:

#### § 196.1 Stills.

This part relates to the manufacture, taxpayment, removal, use, and registration of stills and condensers, and the exportation or transfer to foreign-trade zones of stills and condensers with benefit of drawback of internal revenue tax or without payment of tax.

PAR. 2. Section 196.9 is amended to read:

#### § 196.9 Distilled spirits or spirits.

Distilled spirits or spirits shall mean that substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka.

#### § 196.10 [Amendment]

PAR. 3. Section 196.10 is amended as follows:

(A) The first sentence is amended to read: "Distilling" shall mean the distillation of spirits as defined by section 5002(a)(6)(A), I.R.C."

(B) Paragraph (d) is amended by striking "ethyl alcohol" and "alcohol" and inserting "spirits" in lieu thereof.

(C) Paragraph (e) is amended by striking "alcohol" and inserting "spirits" in lieu thereof.

#### § 196.11 [Amendment]

PAR. 4. Section 196.11 is amended by striking "or worm".

#### § 196.17 [Amendment]

PAR. 5. Section 196.17 is amended by striking "or alcohol" and "alcohol or".

PAR. 6. Section 196.18 is amended to read:

#### § 196.18 Condenser.

"Condenser" shall mean any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

PAR. 7. Subpart C is amended by striking "Or Worms" in the title thereof.

#### § 196.25 [Amendment]

PAR. 8. Section 196.25 is amended as follows:

(A) By striking "or worms".

(B) The citation is amended to read: (72 Stat. 1339; 26 U.S.C. 5102)

PAR. 9. Section 196.26 is amended to read as follows:

#### § 196.26 Special tax liability; rate of tax.

Manufacturers of stills, as to each place of manufacture, shall pay a special (occupational) tax of \$55, and, in addition thereto, a special (commodity) tax of \$22, for each still or condenser to be used in distilling made by him, i.e., \$22 for each still and \$22 for each condenser: *Provided*, That the proprietor of a distilled spirits plant who manufactures stills or condensers exclusively for use in his plant or plants, shall not be subject to the special (occupational and commodity) taxes required by this section. (72 Stat. 1339; 26 U.S.C. 5101, 5103)

#### § 196.27 [Amendment]

PAR. 10. Section 196.27 is amended as follows:

(A) By striking "or worm" where it appears.

(B) By striking "distiller, or other" and the comma after "person".

(C) By changing the citation to read: (72 Stat. 1339; 26 U.S.C. 5101)

PAR. 11. Section 196.28 is amended to read as follows:

#### § 196.28 Materials or apparatus procured and converted into distilling apparatus.

If a person procures materials or apparatus which are not separately subject to tax under the provisions of this part and converts same into a still or condenser for distilling, he will, except as provided in § 196.26, incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(72 Stat. 1339; 26 U.S.C. 5102)

#### § 196.29 [Amendment]

PAR. 12. Section 196.29 is amended as follows:

(A) By striking "or worm" where it appears.

(B) By inserting after "repairs or alterations" the following: ", unless exempted by the provisions of § 196.26,".

(C) By changing the citation to read: (72 Stat. 1339; 26 U.S.C. 5101, 5102)

#### § 196.30 [Amendment]

PAR. 13. Section 196.30 is amended as follows:

(A) By striking "or worm" in the two places it appears.

(B) By changing the citation to read: (72 Stat. 1339; 26 U.S.C. 5102)

#### § 196.31 [Amendment]

PAR. 14. Section 196.31 is amended as follows:

(A) By striking "or worm" in the first sentence.

(B) By changing the citation to read: (72 Stat. 1339; 26 U.S.C. 5102)

#### § 196.32 [Amendment]

PAR. 15. Section 196.32 is amended as follows:

(A) By striking "or worm" where it appears in the first sentence.

(B) By striking "worm," after "still" in the last sentence.

(C) By changing the citation to read: (72 Stat. 1339; 26 U.S.C. 5102)

#### § 196.33 [Amendment]

PAR. 16. Section 196.33 is amended by striking "or worm" in the first sentence and "or worms" in the last sentence of paragraph (c).

#### § 196.34 [Amendment]

PAR. 17. Section 196.34 is amended by striking "or worms".

PAR. 18. Section 196.36 is amended to read as follows:

#### § 196.36 Special (occupational) tax.

Except as provided in § 196.26 (in the case of distillers), no person shall engage in or carry on the trade or business of manufacturing stills or condensers to be used in distilling until he has paid the special (occupational) tax imposed by section 5101, I.R.C. Special taxes shall be imposed as of the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following.

(72 Stat. 1346; 26 U.S.C. 5142)

PAR. 19. Section 196.38 is amended to read as follows:

#### § 196.38 Special (commodity) tax.

The special (commodity) tax on each still or condenser intended for distilling is due, except as provided in § 196.26,

when the manufacture thereof is completed and shall be paid before such article is removed from the place of manufacture, unless removed without payment of tax for exportation or deposit in a foreign-trade zone, or before being set up, if manufactured on the premises where intended to be used. The special (commodity) tax stamp denoting tax-payment shall be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

(72 Stat. 1339, 1340; 26 U.S.C. 5101, 5106)

#### § 196.40 [Amendment]

PAR. 20. Section 196.40 is amended as follows:

(A) By striking "Under the law" in the first sentence and inserting "Except as provided in § 196.26," in lieu thereof.

(B) By striking "worm or" in the first sentence.

(C) By striking "or worm" and "worm or" in the second sentence.

(D) By striking "worm or" in paragraph (a).

(E) By striking "alcohol" in paragraph (a) and inserting "spirits" in lieu thereof.

(F) By striking "worm or" in paragraph (d).

(G) By changing the citation to read:

(72 Stat. 1339; 26 U.S.C. 5101)

#### § 196.42 [Amendment]

PAR. 21. Section 196.42 is amended as follows:

(A) By striking "worm," in the first sentence.

(B) By inserting after "United States" in the second sentence "or without payment of tax for exportation or removal to a foreign-trade zone,".

(C) By deleting the parenthetical phrase "(see §§ 196.60 to 196.72 relative to exportation of stills and worms with benefit of drawback)."

(D) By changing the citation to read:

(72 Stat. 1339; 26 U.S.C. 5105)

PAR. 22. Section 196.44 is amended to read as follows:

#### § 196.44 Failure to give notice; penalty.

Failure to give notice of intention to remove and obtain the permit to set up a still is punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and the distilling apparatus is forfeitable to the Government.

(72 Stat. 1405, 1412; 26 U.S.C. 5615, 5687)

PAR. 23. Section 196.45 is amended as follows:

#### § 196.45 Registration with assistant regional commissioner.

Every person having in his possession or custody, or under his control, any still, or distilling apparatus set up, shall register such still or apparatus with the assistant regional commissioner of the region in which such still or distilling apparatus is located immediately on its being set up (except that stills or distilling apparatus not used or intended to be

used for the distillation, redistillation, or recovery of distilled spirits are not required to be registered under this section). The registration shall be filed on Form 26, except that where so provided in other regulations under this chapter the registration shall be accomplished by describing the still or distilling apparatus on the application for registration of the plant or on the permit application. An approved copy of the registration will be returned to the registrant by the assistant regional commissioner and shall be retained on the premises where the still is set up for examination by internal revenue officers.

(72 Stat. 1355; 26 U.S.C. 5179)

#### § 196.46 [Amendment]

PAR. 24. Section 196.46 is amended as follows:

(A) By striking "worm or" in the first sentence, and "or worms" in the second sentence.

(B) By changing the citation to read:

(72 Stat. 1355; 26 U.S.C. 5179)

PAR. 25. The title of Subpart D is amended to read as follows: "Exportation and Removals to Foreign-Trade Zones."

PAR. 26. Section 196.60 is amended to read as follows:

#### § 196.60 Exportation.

An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country. For the purpose of this part, shipments to Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Panama Canal Zone shall be treated as exportations. Shipments to Hawaii, Kingman's Reef, the Midway Islands, or Wake Island are not exportations within the meaning of this part.

(68A Stat. 908; 26 U.S.C. 7653)

PAR. 27. By inserting a new section, reading as follows, immediately after § 196.60.

#### § 196.60a Export status.

Stills and condensers of domestic manufacture deposited in a foreign-trade zone under this part shall be considered to be exported for the purpose of the internal revenue laws generally and the regulations in this part. Export status is not acquired until application on Zone Form D for admission of such stills or condensers into the zone has been approved by the collector of customs and he has certified on the Internal Revenue Service form as to the deposit of the apparatus in the zone.

(48 Stat. 999, 72 Stat. 1340; 19 U.S.C. 81c, 26 U.S.C. 5106)

PAR. 28. Sections 196.61 to 196.63 are amended to read as follows:

#### § 196.61 Marking of stills or condensers.

Stills or condensers to be exported or deposited in a foreign-trade zone shall

be identified as required by § 196.33. If the apparatus is to be shipped in a container, the required marks shall also be shown on such container in a manner which will enable ready identification by customs officers.

#### EXPORTATION WITHOUT PAYMENT OF TAX § 196.62 Exportation without payment of tax.

Stills and condensers for distilling, marked and branded as required by § 196.61, may be removed from the place of manufacture without payment of tax for exportation, or for deposit in a foreign-trade zone. The manufacturer shall keep records and submit reports concerning such stills as required by §§ 196.80 and 196.82.

(72 Stat. 1340, 1348; 26 U.S.C. 5106, 5146)

#### EXPORTATION WITH BENEFIT OF DRAWBACK

#### § 196.63 Drawback of tax.

Drawback of the tax paid on stills and condensers which have not been used is allowable upon their exportation or deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation. Where such stills and condensers are to be exported or deposited in a foreign-trade zone and drawback is desired, the exporter shall make application for allowance of drawback, and deliver such articles into customs custody as provided in this part. Where distilling apparatus deposited in a foreign-trade zone is to be destroyed, the exporter shall file application for such destruction on Zone Form E with the collector of customs in accordance with the provisions of Customs Regulations (19 CFR Chapter 1). After the apparatus has been inspected and destroyed, the customs officer shall modify and sign his certificate on Form 1610 indicating receipt and destruction of the apparatus under his supervision and indicate on the certificate the date of deposit, the date of destruction, and, in lieu of the port of clearance, the number and location of the zone.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 29. Section 196.64 is amended to read as follows:

#### § 196.64 Request for inspection; entry for exportation; drawback claim.

Before any still or condenser on which drawback is to be claimed is removed from the exporter's premises, he shall forward to the district director of his district Form 1610, in triplicate, with parts 1 and 2 properly executed. Where the still or condenser is to be removed to a foreign-trade zone or where the exporter is not the manufacturer of the apparatus to be exported, the exporter shall appropriately modify parts 1 and 2 of such form. Request for release of the apparatus and application for allowance of drawback, equal to the internal revenue tax paid on the apparatus shall be made in part 1 of the form. Entry for exportation of the apparatus or deposit in a foreign-trade zone and claim for drawback of the internal revenue tax paid thereon shall be made by the exporter in part 2 of the form. The stamps

denoting payment of the tax shall be attached to the original of the claim.

PAR. 30. Section 196.65 is amended to read as follows:

**§ 196.65 Payment of tax; inspection by internal revenue officer: certificate.**

Upon the receipt of claim and entry on Form 1610 and on the payment of the tax due, the district director shall direct an internal revenue officer to proceed to the exporter's premises and, if the stills or condensers are found to agree with those described in the form, and are properly marked or branded as required by this part, such officer shall execute the certificate in part 4 of the form. The internal revenue officer shall determine that the stamp or stamps attached to the claims have been canceled in the manner prescribed in § 196.38. He shall then release the apparatus for delivery to the carrier or into customs custody, and mail or deliver two copies of the Form 1610 (one the original with the special tax stamps attached) to the collector of customs at the port of export or to the customs officer in charge at the foreign-trade zone, as the case may be, and forward the remaining copy to the district director.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 31. Section 196.66 is amended to read as follows:

**§ 196.66 Shipment from premises located at the port of exportation.**

The exporter shall deliver the shipment directly for customs inspection and supervision of lading or to the customs officer in charge of the foreign-trade zone. If the apparatus is intended for immediate exportation, the drawback entry, Form 1610, shall be filed with the collector of customs at least six hours prior to the lading of the distilling apparatus in order to allow opportunity for customs inspection. The exporter shall file a copy of the bill of lading covering export or consignment to the foreign-trade zone, as the case may be, with the district director of the district from which the shipment is made, for attachment to the copy of Form 1610 retained by him. The bill of lading shall show the exporter as the shipper, the manufacturer's serial number of the articles and the number of articles contained in the shipment.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 32. Section 196.67 is amended to read as follows:

**§ 196.67 Shipment from premises not located at the port of exportation.**

The exporter shall deliver the shipment either directly for customs inspection and supervision of lading, to a common carrier for transportation to the port of export, or to the customs officer in charge of the foreign-trade zone. The exporter shall transmit a copy of the bill of lading covering such transportation and a copy of the export bill of lading, or if consigned to a foreign-trade zone, a copy of the bill of lading covering shipment thereto, to the district director, for attachment to the copy of Form 1610 re-

tained by him. In case of exportation through a border port to contiguous foreign territory, the bill of lading shall show the routing, particularly the name of the carrier that is to deliver the shipment for customs inspection at the border port, and shall cover transportation to the foreign destination: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment to the border port and from the border port to the foreign destination shall be procured. The bill of lading shall also show that the shipment was sent in care of the collector of customs or the deputy collector of customs at the border port. One copy of the through bill of lading or of each of the separate bills of lading, as the case may be, shall be transmitted by the exporter or his agent immediately by letter to the district director, for attachment to the copy of Form 1610 retained by him.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 33. Section 196.68 is amended to read as follows:

**§ 196.68 Inspection and lading.**

The collector of customs to whom claim and entry on Form 1610 is transmitted by the internal revenue officer shall fill in on each copy of said form the order for inspection and lading or deposit in a foreign-trade zone. The customs officer shall examine the apparatus described in the entry and he shall, if he finds the articles to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the apparatus has been duly laden on board the conveyance of the export carrier or deposited in the foreign-trade zone, the officer shall complete and sign the certificate of inspection and lading or deposit in part 6 of Form 1610. If the apparatus is deposited in a foreign-trade zone, the form shall be appropriately modified. If the customs officer discovers any evidence of fraud, he shall detain the apparatus and notify the collector of customs who shall inform the assistant regional commissioner of the region in which the port or foreign-trade zone is located.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 34. Section 196.69 is amended to read as follows:

**§ 196.69 Certificate of exportation.**

After inspection and lading and clearance for a foreign port of the vessel or car on which the articles described in the entry were laden or after deposit in the foreign-trade zone, the collector of customs shall execute the certificate of exportation, appropriately modified to show deposit in a foreign-trade zone, where applicable, on each copy of the claim and entry, Form 1610. He shall retain one copy of the form for his entry record and transmit the original to the district director for the district from which the apparatus was shipped.

(72 Stat. 1340; 26 U.S.C. 5106)

PAR. 35. Section 196.72 is amended to read as follows:

**§ 196.72 Penalty for fraudulently claiming drawback.**

One who fraudulently claims or seeks to obtain an allowance of drawback on merchandise on which no tax has been paid, or a greater allowance of drawback than the tax actually paid, is liable to a fine of not more than \$1,000, or imprisonment for not more than one year, or both.

(72 Stat. 1412; 26 U.S.C. 5687)

**§ 196.80 [Amendment]**

PAR. 36. Section 196.80 is amended as follows:

(A) By striking "territories" in the first sentence and inserting "territory" in lieu thereof.

(B) By striking "and Alaska" after Hawaii in the first sentence.

**§ 196.81 [Amendment]**

PAR. 37. Section 196.81 is amended by inserting "or transfer to a foreign-trade zone" after "exportation" in the text.

PAR. 38. Section 196.82 is amended to read as follows:

**§ 196.82 Bill of lading required.**

When any distilling apparatus is removed for exportation or for deposit in a foreign-trade zone without payment of tax, the vendor must obtain a copy of the bill of lading covering exportation or consignment to a foreign-trade zone, as the case may be. Such bill of lading must be kept available for a period of not less than 2 years for inspection by internal revenue officers.

[F.R. Doc. 59-3871; Filed, May 6, 1959; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 942]

[Docket No. AO-103-A17]

### MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Lenfant's, Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a.m., c.s.t., on May 14, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the

tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New Orleans Area Pure Milk Producers Association and the Louisiana-Mississippi Milk Producers Association:

*Proposal No. 1.* Delete § 942.10 (b) and (c) and substitute therefor the following:

§ 942.10 [Amendment]

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of producer milk is shipped to and received at distributing plants. Any supply plant that was a pool plant during any four months of the months of September through January immediately preceding, shall be a pool plant for each of the months of February through August, unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month. In which case such plant shall thereafter be a nonpool plant unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to distributing plants.

*Proposal No. 2.* Delete § 942.14 and substitute therefor the following:

§ 942.14 Producer.

Producer means any person, other than a producer-handler, who produces milk eligible for distribution in the marketing area under a Grade A label which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant, for the account of such handler, subject to the following conditions:

(1) Handler may divert the daily production of a producer for ten days during any month of the year.

(2) The milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

*Proposal No. 3.* Delete § 942.19 and substitute therefor the following:

§ 942.19 Base and excess milk.

(a) Base milk means milk received at pool plants from a producer during any of the months of March through August of each year which is not in excess of such producer's daily average base computed pursuant to § 942.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of March through August of each year in excess of such producer's base milk.

*Proposal No. 4.* Delete § 942.22(f) and substitute therefor the following:

§ 942.22 [Amendment]

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pur-

suant to §§ 942.80, 942.82, 942.85 and 942.86.

*Proposal No. 5.* Add the following paragraphs to § 942.31:

§ 942.31 [Amendment]

(d) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the first day other source milk is received in the form of milk, fluid skim milk, at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(2) On or before the day prior to diverting producer milk pursuant to § 942.14, his intention to divert such milk, the date(s) of such diversion and the nonpool plant to which such milk is to be diverted; and

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 942.41 [Amendment]

*Proposal No. 6.* Amend § 942.41(b) (5) to provide that shrinkage on other source milk be classified as Class II, and total shrinkage be allocated first to other source milk.

§ 942.43 [Amendment]

*Proposal No. 7.* Review § 942.43 (c) and (d) with regard to classification of skim milk and butterfat, transferred to nonpool plants.

*Proposal No. 8.* Delete § 942.53(a) and substitute therefor the following:

§ 942.53 [Amendment]

(a) For that milk which is received from producers at a pool plant situated other than in the zone located 61-70 miles from the City Hall in New Orleans, the price specified in § 942.51 (a) and (b) shall be adjusted at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Zones measured from the nearer of City Hall in New Orleans or the Terrebonne Parish Court House in Houma, La. (miles):	Rate per hundred weight (cents)
Not more than 50-----	+28.0
More than 50 but not more than 75-----	0.0
More than 75 but not more than 100-----	- 4.0
Each additional 10 miles or fraction thereof-----	- 1.0

*Proposal No. 9.* Delete § 942.76 and substitute therefor the following:

§ 942.76 Location differentials to producers.

In making payments pursuant to § 942.80 a handler shall adjust with respect to base milk during the months of February through August and milk to be paid for at the uniform price during the months of September through January for each producer with respect to all such milk received from such producer at a pool plant by the amount per hundred-weight pursuant to § 942.53.

*Proposal No. 10.* Delete § 942.80(b) and substitute therefor the following:

§ 942.80 [Amendment]

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall, on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator, and from supply plants operated by qualified producer associations, an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

*Proposal No. 11.* Change §§ 942.72, 942.73, 942.74, also 942.90, 942.91, 942.93, and 942.94 to provide for a base-forming period of September through January and a base-operating period of March through August and amend § 942.92 to read as follows:

§ 942.92 Determination of daily base.

The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base-forming period, subject to verification by the market administrator as follows:

Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

Proposed by the Ice Milk Association of Louisiana, Inc.

*Proposal No. 12.* Delete § 942.17 and substitute therefor the following:

§ 942.17 Fluid milk product.

Fluid milk product means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, ice milk mixes, flavored ice milk drinks, flavored ice milk shakes, flavored ice milk malts, other frozen desserts, and sterilized products contained in hermetically sealed containers).

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 13.* Delete § 942.41(b) (3) and substitute the following:

§ 942.41 [Amendment]

(b) (3) Disposed of as dumped skim milk, provided the market administrator is notified in advance and given opportunity to verify such dumping.

*Proposal No. 14.* Make such changes as may be necessary to make the entire marketing agreement and the order

conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3709 South Carrollton Avenue, New Orleans, La., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 4th day of May, 1959.

ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 59-3865; Filed, May 6, 1959;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 514 ]

#### TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

##### Aircraft Altimeter, Pressure Actuated Sensitive Type

Pursuant to the authority delegated to me by the Administrator, notice is hereby given that the Federal Aviation Agency has under consideration a proposal to adopt an amendment to the Technical Standard Order which establishes minimum performance standards for aircraft altimeters, pressure actuated sensitive type, for use on civil aircraft of the United States.

The amendment consists of incorporating a more recent industry standard and reissuance in the new format published in 21 F.R. 6508.

Interested persons may participate in the making of the proposed rule by submitting such data, views, or comments as they desire in writing within thirty days after publication of this notice in the FEDERAL REGISTER. Communications should be submitted in duplicate to the Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

Such communications will be available for examination by interested persons at the Public Docket Room of the Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C., after the time for submitting such communications has expired.

It is hereby proposed that § 514.20 of Subpart B of this part be amended to read as follows:

§ 514.20 Aircraft altimeter, pressure actuated, sensitive type—TSO-C10b.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for aircraft altimeters which specifically are required to be approved for use on civil aircraft of the United States. New models of altimeters manufactured for such use on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS-392C, "Altimeter, Pressure Actuated Sensitive Type," re-

vision date February 1, 1959,<sup>1</sup> with the exception listed in subparagraph (2) of this paragraph. Altimeters approved under prior issuance of this section may continue to be manufactured under the earlier provisions.

(2) *Exception*. In addition to the qualification tests required under section 7 of the SAE Aeronautical Standards AS-392C, a subsection 7.6 External Case Pressure, shall be added as follows:

7.6 *External case pressure*. The static pressure source of the instrument shall be sealed when an ambient temperature of 25° C. and ambient pressure of 29.92 inches (absolute) of mercury has been achieved. The ambient pressure shall then be increased at a rate of 20 inches Hg in two seconds to 50 inches (absolute) of mercury and held at that pressure for three minutes. There shall be no adverse effect on the instrument or its accuracy.

(b) *Data requirements*. One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C.:

(1) Manufacturer's operating instructions.

(2) Complete set of instrument's drawings of major components and a test report.

(3) Installation procedures with applicable schematic drawings.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421)

Issued in Washington, D.C., on April 30, 1959.

WILLIAM B. DAVIS,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-3841; Filed, May 6, 1959;  
8:45 a.m.]

### [ 14 CFR Part 514 ]

#### TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

##### Aircraft Fabric, Intermediate Grade and Grade A

Pursuant to the authority delegated to me by the Administrator, notice is hereby given that the Federal Aviation Agency has under consideration a proposal to adopt amendments to Technical Standard Orders which establish minimum performance standards for aircraft fabric for use as external covering on civil aircraft of the United States.

Except for incorporating a more recent industry standard for intermediate grade fabric, the amendments consist of reissuance in the new format published in 21 F.R. 6508.

Interested persons may participate in the making of the proposed rule by submitting such data, views, or comments as they desire in writing within thirty days after publication of this notice in the FEDERAL REGISTER. Communications

<sup>1</sup> Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

should be submitted in duplicate to the Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

Such communications will be available for examination by interested persons at the Public Docket Room of the Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C., after the time for submitting such communications has expired.

It is hereby proposed that §§ 514.24 and 514.25 of Subpart B of this part be amended to read as follows:

§ 514.24 Aircraft fabric, intermediate grade; external covering material—TSO-C14a.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for aircraft fabric, intermediate grade, for use as an external covering on civil aircraft of the United States with wing loadings of less than 9 p.s.f. and never-exceed speeds of less than 160 m.p.h. Fabric manufactured on or after the effective date of this section shall meet the requirements set forth in section 3 of SAE Aeronautical Material Specification 3804A, "Cloth, Airplane, Cotton, Mercerized; 65 lb. Breaking Strength," revised May 1, 1954.<sup>1</sup> Fabric approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(b) *Marking*. The weight required in § 514.3 need not be included. The TSO number shall be marked continuously along the selvage edge of the fabric.

§ 514.25 Aircraft fabric, grade A; external covering material—TSO-C15b.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for aircraft fabric, grade A, for use as an external covering on civil aircraft of the United States. Fabric manufactured on or after the effective date of this section shall meet the requirements set forth in section 3 of SAE Aeronautical Material Specification 3806A, "Cloth, Airplane, Cotton, Mercerized; 80 lb. Breaking Strength," revised June 15, 1952.<sup>1</sup> Fabric approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(b) *Marking*. The weight required in § 514.3 need not be included. The TSO number shall be marked continuously along the selvage edge of the fabric.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421)

Issued in Washington, D.C., on May 1, 1959.

WILLIAM B. DAVIS,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-3842; Filed, May 6, 1959;  
8:45 a.m.]



## [14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR  
AIRCRAFT MATERIALS, PARTS,  
PROCESSES, AND APPLIANCESAir Carrier Airborne Selective Calling  
and Loran A Receiving Equipment

Pursuant to the authority delegated to me by the Administrator, notice is hereby given that the Federal Aviation Agency has under consideration a proposal to adopt a Technical Standard Order which will establish minimum performance standards for airborne selective calling equipment and Loran A receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such data, views, or comments as they desire in writing within thirty days after publication of this notice in the FEDERAL REGISTER. Communications should be submitted in duplicate to the Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

Such communications will be available for examination by interested persons at the Public Docket Room of the Agency, Room B-316, 1711 New York Avenue, NW., Washington, D.C., after the time for submitting such communications has expired.

It is hereby proposed that Subpart B of this part be amended by adding §§ 514.64 and 514.65 to read as follows:

§ 514.64 Airborne selective calling equipment (for air carrier aircraft)—TSO-C59.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for airborne selective calling equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne selective calling equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Selective Calling Equipment," Paper 25-59/DO-93 dated February 10, 1959.<sup>1</sup> Radio Technical Commission for Aeronautics' Paper 100-54/DO-60<sup>2</sup> which is incorporated by reference in and thus is a part of Paper 25-59/DO-93 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception*. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equip-

ment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne selective calling equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(b) *Marking*. In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements*. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment*. Airborne selective calling equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

§ 514.65 Airborne Loran A receiving equipment operating within the radio-frequency range of 1800-2000 kilocycles (for air carrier aircraft)—TSO-C60.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for airborne Loran A receiving equipment operating within the radio-frequency range of 1800-2000 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne Loran A receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Loran A Receiving Equipment Operating Within the Radio-Frequency Range of 1800-2000 Kilocycles" (Paper 226-58/DO-92<sup>2</sup> dated November 18, 1958). Radio Technical Commission for Aeronautics' Paper 100-54/DO-60<sup>2</sup> which is incorporated by reference in and thus is a part of Paper 226-58/DO-92 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions*. (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958,

outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne Loran A receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).  
Frequency: Variable 5-50 cps.  
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking*. In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A-I.P.

(c) *Data requirements*. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment*. Airborne Loran A receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421.)

Issued in Washington, D.C., on May 1, 1959.

WILLIAM B. DAVIS,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-3843; Filed, May 6, 1959; 8:45 a.m.]

<sup>1</sup> Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 25-59/DO-93, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

<sup>2</sup> Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 226-58/DO-92, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

## NOTICES

## DEPARTMENT OF THE TREASURY

## United States Coast Guard

[CGFR 59-11]

WILMINGTON, N.C., MARINE  
INSPECTION OFFICE

## Establishment

A Marine Inspection Office has been established at the Custom House Wharf, Wilmington, N.C. This Office is a Coast Guard unit headed by an Officer in Charge, Marine Inspection, who has been delegated authority as described in 33 CFR 1.01-20 to administer and give immediate direction to those Coast Guard activities relating to the navigation and vessel inspection laws within his Marine Inspection Zone.

The Wilmington, N.C., Marine Inspection Zone shall consist of the State of North Carolina, except Buggs Island Lake and that portion of North Carolina north and/or east of a line drawn from 36°34' N. and 77°04' W. due south to and including Washington, N.C., thence southeast along the north bank of the Pamlico River to Wade's Point, thence to Pamlico Point Lighthouse, and thence 125° T. to the sea. This zone was formerly a part of the Marine Inspection Zone assigned to the Norfolk, Va., Marine Inspection Office.

The ship owners, operators, builders, vessels' operating personnel and other persons affected by the navigation and vessel inspection laws when within the Wilmington, N.C., Marine Inspection Zone, are requested to utilize the services available at the Marine Inspection Office, Custom House Wharf, Wilmington, N.C.

Dated: April 30, 1959.

[SEAL] J. A. HIRSHFIELD,  
Rear Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 59-3880; Filed, May 6, 1959;  
8:51 a.m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

## DR. DENES KARDOS

Notice of Intention To Return Vested  
Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dr. Denes Kardos, P.O.B. 72 Geha Hospital, Petach-Tikvah, Israel; \$243.21 in the Treasury of the United States.

Vesting Order No. 6228; Claim No. 31259.

Executed at Washington, D.C. on  
April 29, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-3867; Filed, May 6, 1959;  
8:49 a.m.]

S/SGT. SHIGERU SATO AND MRS.  
HINA HATTORI SATONotice of Intention To Return Vested  
Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

S/Sgt. Shigeru Sato, APO 900, San Francisco, Calif.; \$578.62 in the Treasury of the United States.

Mrs. Hina Hattori Sato, Magoya, Japan; \$289.31 in the Treasury of the United States. Vesting Order No. 16625; Claim No. 61356.

Executed at Washington, D.C., on  
April 30, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-3868; Filed, May 6, 1959;  
8:49 a.m.]

## MRS. AUGUSTE SCHMIDT

Notice of Intention To Return Vested  
Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mrs. Auguste Schmidt, nee Boerckel, Hamburg, Germany; \$348.82 in the Treasury of the United States.

Vesting Order No. 8711; Claim No. 42620.

Executed at Washington, D.C., on  
April 30, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-3869; Filed, May 6, 1959;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Classification 156]

## NEVADA

## Small Tract Classification; Amendment

Effective April 30, 1959, paragraph 4 of Federal Register Document 58-9068 appearing on page 8562 of the issue for October 31, 1958, is hereby amended to read as follows:

4. The individual tracts will be 2.5 acres and 5 acres in size; the 5-acre tracts will be rectangular in shape and the 2.5-acre tracts will be square. The appraised value of the 2.5-acre tracts is \$200.00 per acre. The appraised value of the 5-acre parcels is \$500.00 to \$1000.00 per tract. Rights-of-way 33' within tracts for road purposes and for public utilities will be reserved as shown below. Leases will be for a period of 3 years at a minimum rental of \$25.00 per year payable in advance for the entire lease period.

Description of tracts	Acres	Advance rentals (3 years)	Right-of-way width and location	Appraised value
W1/2NW1/4NW1/4NW1/4	5	\$75	33' N and S boundary	\$500
E1/2NW1/4NW1/4NW1/4	5	75	33' N, S, and E boundary	500
W1/2NE1/4NW1/4NW1/4	5	75	33' N, S, and W boundary	500
E1/2NE1/4NW1/4NW1/4	5	75	33' N, S, and E boundary	500
W1/2SW1/4NE1/4NW1/4	5	75	33' N, S, and W boundary	500
E1/2SW1/4NE1/4NW1/4	5	75	33' N and S boundary	500
W1/2SW1/4SE1/4NW1/4	5	150	33' E, N and S boundary	1,000
E1/2SW1/4SE1/4NW1/4	2.5	75	33' W and N boundary	500
SW1/4SE1/4NW1/4NW1/4	2.5	75	33' W and S boundary	500
E1/2SE1/4NW1/4NW1/4	5	150	33' E, N, and S boundary	1,000
W1/2SW1/4NE1/4NW1/4	5	150	33' W, N, and S boundary	1,000
N1/2SW1/4SE1/4NW1/4	5	150	33' W, N, and E boundary	1,000
S1/2NW1/4SE1/4NW1/4	5	150	33' W, S, and E boundary	1,000
N1/2SW1/4SE1/4NW1/4	5	150	33' W, N, and E boundary	1,000
S1/2SW1/4SE1/4NW1/4	5	150	33' W, S, and E boundary	1,000
S1/2NE1/4SE1/4NW1/4	5	150	33' W and S boundary	1,000
NW1/4SE1/4SE1/4NW1/4	2.5	75	33' W and N boundary	500
NE1/4SE1/4SE1/4NW1/4	2.5	75	33' E and N boundary	500
S1/2SE1/4SE1/4NW1/4	5	150	33' E, W, and S boundary	1,000
W1/2SW1/4SW1/4NE1/4	5	150	33' W, N, and S boundary	1,000

<sup>1</sup> Covered by applications from persons entitled to preference under 43 CFR 257.5(a).

APRIL 30, 1959.

[F.R. Doc. 59-3854; Filed, May 6, 1959; 8:47 a.m.]

W. REED ROBERTS,  
Acting State Supervisor.

[Wyoming—05460, et al.]

**WYOMING****Order Providing for Opening of Public Lands**

APRIL 29, 1959.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States under the application numbers indicated:

**SIXTH PRINCIPAL MERIDIAN, WYOMING**

Wyoming—05460

T. 44 N., R. 96 W.,  
Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Wyoming—013937

T. 32 N., R. 82 W.,  
Sec. 1, Lot 4;  
Sec. 2, Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .

Wyoming—022096

T. 28 N., R. 114 W.,  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

Wyoming—022296

T. 53 N., R. 66 W.,  
Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Wyoming—022814

T. 44 N., R. 85 W.,  
Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 45 N., R. 85 W.,  
Sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ .

Wyoming—026675

T. 31 N., R. 112 W.,  
Sec. 7, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, Lots 1, 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 31 N., R. 113 W.,  
Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Wyoming—045891

T. 45 N., R. 94 W.,  
Sec. 3, Lot 17;  
Sec. 4, Lot 20.

Cheyenne—081949

T. 21 N., R. 84 W.,  
Sec. 25, E $\frac{1}{2}$ .

Containing approximately 2132.93 acres of public land.

2. Minerals in the above described lands, both leasable and locatable, have been reserved to the United States and have been open to mineral leasing and mining at all times except for the following:

a. Cheyenne—081949, all mineral rights reserved by grantor.

b. Wyoming—05460, all mineral rights reserved by grantor.

c. Wyoming—026675, grantor reserves all mineral rights to Lot 2, Sec. 18, T. 31 N., R. 112 W., 6th P.M.

3. The tracts are scattered throughout Wyoming principally in the central and western portions, with topography that ranges from moderately rolling to rough and mountainous. Generally the lands are arid with the vegetation at the lower elevations consisting of saltbush, sagebrush, and other low growing shrubs, while perennial grasses and browse

plants prevail at the higher elevations. The lands have some value for grazing by range livestock, but in general are unsuitable for cultivation or other higher forms of use.

4. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, presented prior to 10:00 a.m. on June 10, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on September 9, 1959 will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a.m. on September 9, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming veterans preference rights under paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be

found in Title 43 of the Code of Federal Regulations.

7. The lands described below are restored to the extent they were not heretofore subject to application and selection by reason of reconveyance to the United States, but they remain subject to other withdrawals pursuant to the authorities cited:

**SIXTH PRINCIPAL MERIDIAN, WYOMING**

Wyoming—013113

T. 33 N., R. 80 W.,  
Sec. 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Wyoming—014138

T. 35 N., R. 80 W.,  
Sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

Wyoming—014373

T. 35 N., R. 80 W.,  
Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The above are included in First Form Reclamation Withdrawal under the Act of June 17, 1902 (32 Stat. 388) for the Casper Alcova Project.

Wyoming—032377

T. 46 N., R. 92 W.,  
Sec. 18, Tract 1.  
T. 46 N., R. 93 W.,  
Sec. 13, Tracts 2, 4;  
Sec. 24, Tracts 2, 3.

Wyoming—032378

T. 46 N., R. 92 W.,  
Sec. 3, Tract 1;  
Sec. 4, Tract 1, Lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Wyoming—045891

T. 45 N., R. 94 W.,  
Sec. 1, Tract 1;  
Sec. 2, Tracts 1, 3, 5.

The above are included in First Form Reclamation Withdrawal under the Act of June 17, 1902 (32 Stat. 388) for the Hanover-Bluff Unit of the Missouri River Basin Project.

8. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,  
*Lands and Minerals Officer.*

[F.R. Doc. 59-3855; Filed, May 6, 1959;  
8:47 a.m.]

**NEW MEXICO****Notice of Proposed Withdrawal and Reservation of Lands**

APRIL 30, 1959.

The United States Department of Commerce has filed an application, Serial Number NM-048730 for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws. The applicant desires the land for use by the Federal Aviation Agency in the maintenance of air navigation facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with

the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN  
T. 14 N., R. 4 E.,  
Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The tract described above aggregates 2 $\frac{1}{2}$  acres.

E. R. SMITH,  
State Supervisor.

[F.R. Doc. 59-3856; Filed, May 6, 1959;  
8:47 a.m.]

[Utah (I-22)]

### UTAH

#### Notice of Proposed Withdrawal and Reservation of Lands

MAY 1, 1959.

The U.S. Corps of Engineers has filed an application, Serial No. Utah 023756, for the withdrawal of the lands described below from appropriation under the General Mining Laws and the Mineral Leasing Laws. The lands described are patented with a reservation of minerals to the United States, except coal and iron, and the purpose of the withdrawal is to preclude the location of mining claims or use under the Mineral Leasing Laws, which would interfere with the use of the land by the applicant agency.

The purpose of the proposed withdrawal is to facilitate the establishment and use of a Government-owned industrial plant and attendant uses.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 777, Salt Lake City 10, Utah.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH  
T. 6 N., R. 4 W.,  
Sec. 13: All (fractional);  
Sec. 23: Lot 1.

The above area aggregates 560.4 acres.

EVAN L. RASMUSSEN,  
Acting State Supervisor.

[F.R. Doc. 59-3857; Filed, May 6, 1959;  
8:47 a.m.]

No. 89—3

### Bureau of Reclamation

#### GLEN CANYON UNIT, COLORADO RIVER STORAGE PROJECT, ARIZONA-UTAH

#### Notice to Mineral Claimants of Lands Withdrawn

Notice is hereby given that those certain lands to be inundated by the reservoir created by the Glen Canyon cofferdam that were opened, along with certain other lands, to mining location, entry and patent by the Bureau of Land Management Order of June 14, 1954, as amended July 14, 1954, subject to the condition that before location is made the following stipulation be executed, acknowledged and recorded in the county records and in the United States Land Offices at Phoenix, Arizona, for lands in Arizona and at Salt Lake City, Utah, for lands in Utah:

This location is made subject to the provision that if and when the land is actually required for reclamation purposes, it may be utilized by the United States without payment and any structures or improvements placed on the land which may interfere with contemplated reclamation works will be removed or relocated without expense to the United States, its successors or assigns.

are now actually required for reclamation purposes and will be utilized by the United States without payment to anyone claiming any of the required lands under the provisions of the above-quoted stipulation, and any structures or improvements on said lands must be removed or relocated immediately, pursuant to the above-quoted stipulation. The required lands extend upstream approximately 91.0 river miles from the cofferdam which lies approximately 12.9 river miles downstream from the Utah-Arizona State line and are in the area at and below contour elevation 3300 feet sea level datum.

This Notice shall become effective upon its publication in the FEDERAL REGISTER.

FLOYD E. DOMINY,  
Commissioner of Reclamation.

MAY 1, 1959.

[F.R. Doc. 59-3858; Filed, May 6, 1959;  
8:48 a.m.]

### Fish and Wildlife Service

[Director's Order No. 6, Rev.]

#### DESIGNATED OFFICIALS OF THE BUREAU OF SPORT FISHERIES AND WILDLIFE

#### Delegation of Authority With Respect to Contracts and Leases of Lands, Interests Therein, and Water Rights

SECTION 1. *Delegation.* The Regional Directors, Regions 1 to 6, inclusive, are each authorized to exercise the authority of the Director, Bureau of Sport Fisheries and Wildlife, to enter into contracts for the lease and/or acquisition of lands or interests in lands whenever such

lands or interests in lands are to be acquired for administration through the Bureau of Sport Fisheries and Wildlife pursuant to any act of Congress.

The Regional Directors, Regions 1 to 6 inclusive, also are each authorized to initiate, prosecute, acquire and perfect water rights in the name of the United States, pursuant to the provisions of State law and in conformity with applicable interstate agreements; and to file applications, notices, petitions and all other documents and to take any other steps which are useful and proper to protect, secure and maintain such water rights in good standing.

SEC. 2. *Limitation.* The foregoing authorizations shall be exercised in strict conformity with applicable laws and regulations, policies, and administrative procedures.

SEC. 3. *Redelegation.* The authorities granted by this order may not be redelegated.

SEC. 4. *Revocation.* Director's Order No. 6 (23 F.R. 6090) is revoked.

(Secretary's Order No. 2821; Commissioner's Order No. 4)

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

MAY 1, 1959.

[F.R. Doc. 59-3852; Filed, May 6, 1959;  
8:47 a.m.]

### Office of the Secretary

[Order No. 2508, Amdt. 30]

### BUREAU OF INDIAN AFFAIRS

#### Delegation of Authority

MAY 1, 1959.

Section 13 of Order 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17 F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938), is further amended by addition of a new paragraph to read as follows:

SEC. 13. *Lands and minerals.* \* \* \*

(bb) (1) The purchase of land or interests in land, the sale of tribally owned land and the partition or sale of individually owned land for the benefit of Indians of the Standing Rock, Crow Creek and Lower Brule Sioux Reservations as provided in section 11 of the Act of September 2, 1958 (72 Stat. 1762); section 6 of the Act of September 2, 1958 (72 Stat. 1786) and section 6 of the Act of September 2, 1958 (72 Stat. 1773).

(2) The representation of any Indian owner who is a minor, or who is non compos mentis or under any other legal disability, or any Indian owner who cannot be located, as variously provided in the portions of the acts cited in subparagraph (1) of this paragraph.

(3) The authority delegated in subparagraphs (1) and (2) of this paragraph does not include the issuance of patents.

FRED A. SEATON,  
Secretary of the Interior.

[F.R. Doc. 59-3859; Filed, May 6, 1959;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

## Federal Maritime Board

## ABARCO CORP. ET AL.

## Notice of Show Cause Order to Certain Ocean Freight Forwarders

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 30th day of April 1959, the Board entered the following order:

Whereas, the persons and firms named in Appendix A hereto appear to be other persons subject to the Shipping Act, 1916, as amended (46 U.S.C. 801, et seq.) and are registered as ocean freight forwarders pursuant to Federal Maritime Board General Order 72 (46 CFR 244), and

Whereas, on February 17, 1958, pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), the Board ordered registered ocean freight forwarders including those named in Appendix A to file with the Chief, Regulation Office, Federal Maritime Board, within thirty (30) days, specific freight forwarder information and documents for use in the Board's Docket 765, Investigation of Practices, Operations, Actions, and Agreements of Ocean Freight Forwarders and Related Matters, and Proposed Revision of General Order 72 (46 CFR 244), and

Whereas, after postponing until further notice the due date for compliance with its order of February 17, 1958, the Board on September 25, 1958, ordered such compliance by October 29, 1958, and

Whereas, the forwarders named in Appendix A appear to have failed to comply with the Board's orders of February 17 and September 25, 1958, now therefore,

*It is ordered*, That each of the named forwarders show cause, in writing or at a public hearing to be hereafter set if requested by the forwarder, within 30 days from date of publication hereof in the FEDERAL REGISTER, why its registration should not be cancelled or suspended pursuant to Rule 244.5(b), General Order 72 (46 CFR 244) for failure to comply with the Board's orders of February 17 and September 25, 1958, as aforesaid, and

*It is further ordered*, That failure of any forwarder to respond as ordered hereby will result in cancellation of its freight forwarder registration without further action by the Board; and that the Secretary notify the forwarder of such cancellation by letter to be sent by registered mail to the forwarder's last known address, and

*It is further ordered*, That a copy of this order be sent by registered mail to each of the named forwarders at its last known address; and that this order be published in the FEDERAL REGISTER.

## APPENDIX A—FORWARDERS

## NEW YORK, N.Y.

	Reg. No.
Abarco Corp.	1242
Ace Air Freight Co., Inc.	1854
Airfreight Service Corp.	2222
Louis Applebaum.	1689
Richard Aron.	1982
Barker International.	2023
Beekman Shipping Co.	1671

## NEW YORK, N.Y.—continued

	Reg. No.
Lawrence Beinhacker, dba L. W. Beinhacker & Co.	68
Victor B. Benham.	1046
J. J. Boll.	1296
Brokab Corp.	456
Chilean Forwarding Corp.	1641
Cobra Trading Co., Inc.	1550
Consolidated Forwarding Co.	1231
Cuban American Forwarders Co., Inc.	1266
Alfonso Cuesta.	1216
Edward F. Devitt.	2124
R. H. Roqueta and The Doncel Co.	790
Arthur E. Fine.	1619
V. P. Fleming.	922
Edward Codron, dba Foreign Freight Forwarders.	698
Elizabeth W. Potter, dba Gallon All-steel Body Export Co.	1048
Richardo Garcia, dba The R. Garcia Co.	1389
Gelsons & Co.	636
Manuel R. Cordero, dba General Industries Export Co.	1683
J. J. Hayes, dba John J. Hayes Co.	1141
Juana L. Isnardi.	2110
Ramon Irizarry.	2196
J & R Export-Import Co., Inc.	1881
Ventura Jinette.	2203
Frank de Martino, dba Jupiter Forwarding Co.	2119
Kingham Trailer Co.	1049
La Salle International Freight Forwarding Corp.	653
Sidney Lang, dba Sidney Lang Co.	9
Hugh McIntosh, dba McIntosh Express.	2036
W. W. Magi & Co., Inc.	2131
Mr. Vincent Gonzalez, Jr., dba Marine Shipping Co.	847
Frank Martorella.	1959
Marianne Meyer, dba Meyer Shipping Co.	245
Samuel B. Mitchell.	762
Guillermo A. Pizsa, dba Montserrat Forwarding Co.	1180
Muller Brothers, Inc.	1805
Francis X. Murphy, dba Francis X. Murphy Co.	1513
New York Shipping Co.	1459
Emigdio S. Ledesma, dba Ocean-Wide Forwarders.	1487
John Clements, dba Pinnacle Service.	2098
Pinto Trading Co.	1055
Emmett I. Poons.	831
Elizabeth W. Potter, dba H. R. Potter & Co.	1050
Maurice W. Powell.	2019
Raul Villalobos, dba Radel Company of America.	1866
Gordon Reid Storage Warehouse Inc.	1206
Leonard Rodriguez, dba Rite Forwarding Co.	1697
Frank C. Rubinan.	2194
John E. Safran, dba John E. Safran Co.	340
J. M. Schiffino & Co.	1542
A. A. Singer, dba Simmons Forwarding Co.	829
Murray M. Smolkin, dba Murray M. Smolkin Association.	1725
Thomas T. Gaffney, dba Thomas Freight Forwarders.	2211
Transco International Inc.	1250
United Shipping Associates.	594
Leonardo Weif.	2168
Harvey Bernes, dba Bernes Sales Co.	1480
James W. Elwell & Co., Inc.	1237
Max Rosenthal, dba Express Package Shipping Co. of America.	1164
E. Gonzales, dba P.O.S. Forwarders Co.	552
Octavio Hernandez, dba Runfast Forwarding Co.	1398
Eugenio Vial.	1971
Maximino M. Zarate.	1474
Benjamin Hamalian, dba Baywater Shipping Co.	590
George Cantley, Jr., dba Candour Shipping Co.	595

## NEW YORK, N.Y.—continued

	Reg. No.
Nathan Spitzer, dba Columbia Shipping Co.	1273
Joseph A. Harari.	324
Josdan Shipping Co.	2191
Henry G. Krell.	907
Frank A. Lillis.	1911
G. L. McGrath, dba T. J. McGrath & Co.	544
Cornelius O'Donnell.	96
J. V. Palmer, dba J. V. Palmer & Co.	643
Philippine Shippers.	1484
Oscar R. Guevara, dba Skandia Shipping Service.	2150
Sun Transporters, Inc.	305
Alfred W. Walsh.	2193
Walsh Shipping Co.	182
William G. Young and Co., Inc.	49
Charles M. Ruiz.	951
Silleb, Inc.	2001
ARLINGTON, VA.	
Arco Packing & Forwarding Co., Inc.	1912
BOSTON, MASS.	
Edmund A. Goodhue, dba John A. Conkey & Co.	878
John G. Hall & Co., Inc.	485
Raymond H. Hamson.	160
Frances B. Wilcon, dba F. B. Wilcon Co.	1234
BROWNSVILLE, TEX.	
Barron Forwarding Co., Inc.	1335
Shippers Forwarding Co.	1337
CHARLESTON, S.C.	
Francis Dougherty, dba South Atlantic Forwarding Co.	1720
Taylor Shipping Co., Division of Captain Chester H. Taylor, Inc.	1634
Taylor Export & Import Co., Division of Captain Chester H. Taylor, Inc.	1633
CHICAGO, ILL.	
F. J. Franklin.	326
DALLAS, TEX.	
Howard Van Lines, Inc.	2079
GALVESTON, TEX.	
Winchester-Taylor.	1208
HONOLULU, HAWAII	
Hawaiian Hauling Service.	538
Universal Transcontinental Corp., Ltd.	749
HOUSTON, TEX.	
Dixie Forwarding Co.	1424
Lewis C. Boney, dba Lone Star Forwarding Co.	2133
Patrick & Graves.	1829
JACKSONVILLE, FLA.	
Caldwell Shipping Co.	1284
Trailer Marine Transportation, Inc.	1919
LAKE CHARLES, LA.	
M. G. Morris, dba Morris & Co.	2078
LOS ANGELES, CALIF.	
Bekins Household Shipping Co.	1851
M. R. Gorospe, dba East West, Ltd.	1614
Wolf A. Popper, Division City Messenger of Hollywood, Inc.	1871
MANHATTAN, KANS.	
Travel Unlimited.	1887
METAIRIE, LA.	
Trefny Export Forwarding.	2205
MIAMI, FLA.	
Alba Metropolitan Express Corp.	2238
Frank Arevalo.	1636
H. Austin Brewer.	1095
Cuban New Express, S.A.	1439



## MIAMI, FLA.—continued

	Reg. No.
Dade Export Corp.....	2165
Dixie Export Co.....	1806
The Dorman Sisk Agency, Inc.....	1735
Enterprises Many, Inc.....	1772
Suzanne Harvison, dba Harvison International Forwarders.....	524
Annette S. Hyder.....	737
Miro & Co.....	631
Parks Shipping Co.....	1658
Rodvill Forwarding Co.....	788
Shaw Brothers Shipping Co.....	1039
Stanley G. Miller, dba Southern Freight Forwarding Co.....	1847
Roland G. Thompson, dba Roland Thompson Agency.....	420
Traeger Shipping Corp.....	1105
Kunex Transportation Co., S.A.....	1997

## MOBILE, ALA.

W. S. Clark, dba W. C. Clark & Co.....	155
--	-----

## NEW ORLEANS, LA.

Edward Moises, dba The Continental Emporium.....	2045
H. T. Cottam and Co.....	1054
Nolan Bros. Shipping Co.....	710
A. Peres & Co.....	2151
James J. Marti, dba Reliable Forwarding Service.....	2083
Transmares Cia.....	165

## NEWARK, N.J.

Vidinha Export & Shipping Service.....	1525
--	------

## OAKLAND, CALIF.

Prentiss J. Bercovich.....	2076
----------------------------	------

## ORANGE, TEX.

Orange Steamship & Forwarding Co.....	237
---------------------------------------	-----

## PHILADELPHIA, PA.

Amco Custom Brokerage Co.....	1956
James Chesney.....	1852

## PROVIDENCE, R.I.

Ripport Company, Inc.....	576
---------------------------	-----

## SAN JUAN, P.R.

Insular Freight Forwarders.....	1607
---------------------------------	------

## SAN FRANCISCO, CALIF.

Con-Mar Shipping Co.....	1943
Milton J. Daly, dba Hawaiian Express Co.....	733
Lloyd Shipping Co.....	792
Jose G. Vazquez, dba Philippine Freight & Travel Serv.....	1172
L. B. Pruitt.....	2157

## SAVANNAH, GA.

James W. Tarver.....	820
----------------------	-----

## SEATTLE, WASH.

B. R. Anderson & Co.....	288
Paul A. Umoff.....	840

## SUMMIT, N.J.

Waterway Freight Forwarders, Inc.....	1385
---------------------------------------	------

## TAMPA, FLA.

Della Falde.....	107
A. R. Savage Co.....	874
Albert Hernandez, dba Peninsula Shipping Co.....	1228
S. G. Scott Co.....	2230

## TETERBORO, N.J.

Airways Parcel Post International Inc.....	1942
--	------

## TOLEDO, OHIO

B. O. Hopkins.....	1776
L. E. Kriener-Hopkins.....	385

## VIRGIN ISLANDS

Christiansted Utilities Co.....	1727
Rob't L. Merwin & Co., Inc.....	1669

Dated: May 4, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER,  
Secretary.[F.R. Doc. 59-3881; Filed, May 6, 1959;  
8:51 a.m.]

## ABARCO CORP. ET AL.

Notice of Show Cause Order to Certain  
Ocean Freight Forwarders and  
Common Carriers by Water

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 30th day of April 1959, the Board entered the following order:

Whereas, the persons and firms named in Appendix A hereto appear to be other persons subject to the Shipping Act, 1916, as amended (46 U.S.C. 801, et seq.) and are registered as ocean freight forwarders pursuant to Federal Maritime Board General Order 72 (46 CFR 244), and

Whereas, the companies named in Appendix B hereto appear to be common carriers by water in the foreign commerce of the United States subject to the Shipping Act, 1916, as amended, and

Whereas, on February 17, 1958, pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), the Board ordered registered ocean freight forwarders including those named in Appendix A and certain common carriers by water including those named in Appendix B, to file with the Chief, Regulation Office, Federal Maritime Board, within thirty (30) days, specific forwarder and carrier information and documents for use in the Board's Docket 765, Investigation of Practices, Operations, Actions, and Agreements of Ocean Freight Forwarders and Related Matters, and Proposed Revision of General Order 72 (46 CFR 244), and

Whereas, after postponing until further notice the due date for compliance with its orders of February 17, 1958, the Board on September 25, 1958, ordered such compliance by October 29, 1958, and

Whereas, the forwarders and carriers named in Appendix A and B appear to have failed to comply with the Board's orders of February 17 and September 25, 1958, now therefore,

It is ordered, That each of the named forwarders and carriers show cause in writing or at a public hearing to be hereafter set if requested by the forwarder or carrier, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why it should not be held to be in violation of section 21, Shipping Act, 1916, as amended, for failure to comply with the Board's orders of February 17, and September 25, 1958, and

It is further ordered, That a copy of this order be sent by registered mail to each of the named forwarders and carriers at its last known address; and that this order be published in the FEDERAL REGISTER.

## APPENDIX A—FORWARDERS

## NEW YORK, N.Y.

	Reg. No.
Abarco Corp.....	1242
Ace Air Freight Co., Inc.....	1854
Airfreight Service Corp.....	2222
Louis Applebaum.....	1689
Richard Aron.....	1982
Barker International.....	2023
Beekman Shipping Co.....	1671
Lawrence Beinhacker, dba L. W. Beinhacker & Co.....	68
Victor B. Benham.....	1046
J. J. Boll.....	1296
Brokab Corp.....	456
Chilean Forwarding Corp.....	1541
Cobra Trading Co., Inc.....	1550
Consolidated Forwarding Co.....	1231
Cuban American Forwarders Co., Inc.....	1266
Alfonso Cuesta.....	1216
Edward F. Devitt.....	2124
R. H. Roqueta and The Doncel Co.....	790
Arthur E. Fine.....	1619
V. P. Fleming.....	922
Edward Codron, dba Foreign Freight Forwarders.....	698
Elizabeth W. Potter, dba Gallon All-steel Body Export Co.....	1048
Richardo Garcia, dba The R. Garcia Co.....	1389
Geisons & Company.....	636
Manuel R. Cordero, dba General Industries Export Co.....	1683
J. J. Hayes, dba John J. Hayes Co.....	1141
Juana L. Isnardi.....	2110
Ramon Irizarry.....	2196
J & R Export-Import Co., Inc.....	1881
Ventura Jinette.....	2203
Frank de Martino, dba Jupiter Forwarding Co.....	2119
Kingham Trailer Co.....	1049
La Salle International Freight Forwarding Corp.....	653
Sidney Lang, dba Sidney Lang Co.....	9
Hugh McIntosh, dba McIntosh Express.....	2036
W. W. Magi & Company, Inc.....	2131
Mr. Vincent Gonzalez, Jr., dba Marine Shipping Co.....	847
Frank Martorella.....	1959
Marianne Meyer, dba Meyer Shipping Co.....	245
Samuel B. Mitchell.....	762
Gullermo A. Piazza, dba Montserrat Forwarding Co.....	1180
Muller Brothers, Inc.....	1805
Francis X. Murphy, dba Francis X. Murphy Co.....	1513
New York Shipping Co.....	1459
Emigdio S. Ledesma, dba Ocean-Wide Forwarders.....	1487
John Clements, dba Pinnacle Service.....	2098
Pinto Trading Co.....	1055
Emmett I. Poons.....	831
Elizabeth W. Potter, dba H. R. Potter & Co.....	1050
Maurice W. Powell.....	2019
Raul Villalobos, dba Radel Co. of America.....	1866
Gordon Reid Storage Warehouse Inc.....	1206
Leonard Rodriguez, dba Rite Forwarding Co.....	1697
Frank C. Rubinan.....	2194
John E. Safran, dba John E. Safran Co.....	340
J. M. Schifano & Co.....	1542
A. A. Singer, dba Simmons Forwarding Co.....	829
Murray M. Smolkin, dba Murray M. Smolkin Association.....	1725
Thomas T. Gaffney, dba Thomas Freight Forwarders.....	2211
Transco International Inc.....	1250
United Shipping Associates.....	594
Leonardo Wolf.....	2168
Harvey Bernes, dba Bernes Sales Co.....	1480
James W. Elwell & Co., Inc.....	1237
Max Rosenthal, dba Express Package Shipping Co. of America.....	1164
E. Gonzales, dba P.O.S. Forwarders Co.....	552

## NEW YORK, N.Y.—continued

	Reg. No.
Octavio Hernandez, dba Runfast Forwarding Co.	1398
Eugenio Vial	1971
Maximino M. Zarate	1474
Benjamin Hamallan, dba Baywater Shipping Co.	590
George Cantley, Jr., dba Candour Shipping Co.	595
Nathan Spitzer, dba Columbia Shipping Co.	1273
Joseph A. Harari	324
Jordan Shipping Co.	2191
Henry G. Krell	907
Frank A. Lillis	1911
G. L. McGrath, dba T. J. McGrath & Co.	544
Cornellus O'Donnell	96
J. V. Palmer, dba J. V. Palmer & Co.	643
Philippine Shippers	1484
Oscar R. Guevara, dba Skandia Shipping Service	2150
Sun Transporters, Inc.	305
Alfred W. Walsh	2193
Walsh Shipping Co.	182
William G. Young and Co., Inc.	49
Charles M. Ruiz	951
Silleb, Inc.	2001

## ARLINGTON, VA.

Arco Packing & Forwarding Co., Inc.	1912
-------------------------------------	------

## BOSTON, MASS.

Edmund A. Goodhue, dba John A. Conkey & Co.	878
John G. Hall & Co., Inc.	485
Raymond H. Hamson	160
Frances B. Wilcon, dba F. B. Wilcon Co.	1234

## BROWNSVILLE, TEX.

Barron Forwarding Company, Inc.	1335
Shippers Forwarding Co.	1337

## CHARLESTON, S.C.

Francis Dougherty, dba South Atlantic Forwarding Co.	1720
Taylor Shipping Co., Division of Captain Chester H. Taylor, Inc.	1634
Taylor Export & Import Co., Division of Captain Chester H. Taylor, Inc.	1633

## CHICAGO, ILL.

F. J. Franklin	326
----------------	-----

## DALLAS, TEX.

Howard Van Lines, Inc.	2079
------------------------	------

## GALVESTON, TEX.

Winchester-Taylor	1208
-------------------	------

## HONOLULU, HAWAII

Hawaiian Hauling Service	538
Universal Transcontinental Corp., Ltd.	749

## HOUSTON, TEX.

Dixie Forwarding Co.	1424
Lewis C. Boney, dba Lone Star Forwarding Co.	2133
Patrick & Graves	1829

## JACKSONVILLE, FLA.

Caldwell Shipping Co.	1284
Trailer Marine Transportation, Inc.	1919

## LAKE CHARLES, LA.

M. G. Morris, dba Morris & Co.	2078
--------------------------------	------

## LOS ANGELES, CALIF.

Bekins Household Shipping Co.	1851
M. R. Gorospe, dba East West, Ltd.	1614
Wolf A. Popper, Division City Messenger of Hollywood, Inc.	1871

## MANHATTAN, KANS.

Travel Unlimited	1887
------------------	------

## METAIRIE, LA.

Trefny Export Forwarding	2205
--------------------------	------

## MIAMI, FLA.

	Reg. No.
Alba Metropolitan Express Corp.	2238
Frank Arevalo	1636
H. Austin Brewer	1095
Cuban New Express, S.A.	1439
Dade Export Corp.	2165
Dixie Export Company	1806
The Dorman Sisk Agency, Inc.	1735
Enterprises Many, Inc.	1772
Suzanne Harvison, dba Harvison International Forwarders	524
Annette S. Hyder	737
Miro & Company	631
Parks Shipping Co.	1658
Rodvill Forwarding Co.	788
Shaw Brothers Shipping Co.	1039
Stanley G. Miller, dba Southern Freight Forwarding Co.	1847
Roland G. Thompson, dba Roland Thompson Agency	420
Traeger Shipping Corp.	1105
Kunex Transportation Co., S.A.	1997

## MOBILE, ALA.

W. S. Clark, dba W. S. Clark & Co.	155
------------------------------------	-----

## NEW ORLEANS, LA.

Edward Moises, dba The Continental Emporium	2045
H. T. Cottam and Co.	1054
Nolan Bros. Shipping Co.	710
A. Peres & Co.	2151
James J. Marti, dba Reliable Forwarding Service	2083
Transmares Cia.	165

## NEWARK, N.J.

Vidinha Export & Shipping Service	1525
-----------------------------------	------

## OAKLAND, CALIF.

Prentiss J. Bercovich	2076
-----------------------	------

## ORANGE, TEX.

Orange Steamship & Forwarding Co.	237
-----------------------------------	-----

## PHILADELPHIA, PA.

Amco Custom Brokerage Co.	1956
James Chesney	1852

## PROVIDENCE, R.I.

Riport Company, Inc.	576
----------------------	-----

## SAN JUAN, P.R.

Insular Freight Forwarders	1607
----------------------------	------

## SAN FRANCISCO, CALIF.

Con-Mar Shipping Co.	1943
Milton J. Daly, dba Hawaiian Express Co.	733
Lloyd Shipping Company	792
Jose G. Vazquez, dba Philippine Freight & Travel Serv.	1172
L. B. Pruitt	2157

## SAVANNAH, GA.

James W. Tarver	820
-----------------	-----

## SEATTLE, WASH.

B. R. Anderson & Co.	288
Paul A. Umoff	840

## SUMMIT, N.J.

Waterway Freight Forwarders, Inc.	1385
-----------------------------------	------

## TAMPA, FLA.

Della Falde	107
A. R. Savage Co.	874
Albert Hernandez, dba Peninsular Shipping Co.	1228
S. G. Scott Co.	2230

## TETERBORO, N.J.

Airways Parcel Post Internat'l, Inc.	1942
--------------------------------------	------

## TOLEDO, OHIO

B. O. Hopkins	1776
L. E. Kriener-Hopkins	385

## VIRGIN ISLANDS

	Reg. No.
Christiansted Utilities Co.	1727
Rob't. L. Merwin & Co., Inc.	1669

## APPENDIX B—CARRIERS

Hermanos Ayo (Ayo Bros. Steamship Lines).
W. R. Carpenter Oversea Shipping, Ltd.
Coinmar Line Navigation Co., S.A.
Compania de Navegacion Dalphi, S.A.
Compania Espanola de Navegacion Maritima, S.A.
Compania Naviera Cubamar, S.A. (Cubamar Line).
Compania Transatlantica Espanola, S.A. (Madrid).
Currie Line, Ltd. (Caribbean Line).
Dampskibsselskabet Torm (Torm Lines).
Gulf Caribbean Line, Inc.
Guatemala Line.
Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line).
Hanseatic-Vaasa Line.
Intra-Gulf Corp.
Mar Caribe Services Corp. (Honduras Line).
Merco Trading Co., Ltd.
N. V. Stoomvaart Maatschappij Oostje (Independent Gulf Line).
Naviera Commercial Aspe, S.A.
Naviera Vacuba, S.A.
Three Bays Corporation, Ltd.
Tropicana Importing Co., Inc.
Zim Israel America Lines (Zim Lines).

Dated: May 4, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER,  
Secretary.[F.R. Doc. 59-3882; Filed, May 6, 1959;  
8:51 a.m.]FEDERAL COMMUNICATIONS  
COMMISSION

[Docket Nos. 12753, 12754; FCC 59M-561]

LOUIS W. SKELLY AND MON-YOUGH  
BROADCASTING CO. (WMCK)

## Order Continuing Hearing

In re applications of Louis W. Skelly, Conneaut, Ohio, Docket No. 12753, File No. BP-11725; Mon-Yough Broadcasting Company (WMCK), McKeesport, Pennsylvania, Docket No. 12754, File No. BP-12263; for construction permits.

The Hearing Examiner having under consideration petition for continuance filed by Louis W. Skelly on April 28, 1959;

It appearing, that counsel for all parties have agreed to the continuance requested, but that a conflict in the Hearing Examiner's schedule requires continuance of the hearing to June 17 instead of June 15, 1959;

It is ordered, This 29th day of April, 1959, that the petition is granted to the extent indicated hereinafter; and that the dates designated for various procedural steps herein are postponed as follows:

Date for exchange of exhibits, from May 4, 1959, to May 18, 1959.

Date for notification of witnesses, from May 18, 1959, to June 1, 1959.

Hearing date, from June 1, 1959, to June 17, 1959.

Released: April 30, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3872; Filed, May 6, 1959;  
8:49 a.m.]

[Docket No. 12813; FCC 59M-563]

## SOUTHBAY BROADCASTERS

### Order Continuing Hearing

In re application of Burr Stalnaker, John B. Stodelle and Howard L. Chernoff, d/b as Southbay Broadcasters, Chula Vista, California, Docket No. 12813, File No. BP-11469; for construction permit for a new standard broadcast station.

A prehearing conference in the above-entitled matter having been held on April 29, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order:

It is ordered, This 30th day of April 1959 that:

(1) The direct case of Southbay Broadcasters shall be presented by written, sworn exhibits and copies thereof supplied the other parties and the Hearing Examiner on or before June 9, 1959;

(2) Respondent, KFWB Broadcasting Company, shall present its direct affirmative or rebuttal evidence by written, sworn exhibits and copies thereof shall be furnished the other parties and the Examiner on or before June 16, 1959;

(3) Counsel shall notify each other on or before June 19, 1959, as to those witnesses whom they desire to be made available for cross-examination;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on May 26, 1959, is continued to June 23, 1959, at 10:00 a.m. in the offices of the Commission in Washington D.C.

Released: April 30, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3873; Filed, May 6, 1959;  
8:49 a.m.]

[Docket No. 12860 etc.; FCC 59-403]

## WILLIAM PARMER FULLER, III, ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, req. 630 kc, 1 kw, DA-Day, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, req. 630 kc, 1 kw, Day, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, req. 600 kc, 1 kw, Day, Docket No.

12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNU), Logan, Utah, has 610 kc, 1 kw, DA-N, U, req. 610 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 12863, File No. BP-12017; for standard broadcast constructions permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of April 1959;

The Commission having under consideration the above-captioned and described applications; and

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate its respective proposal; that William Parmer Fuller, III, Inland Empire Broadcasting Co. and Cache Valley are financially qualified, but that Kanab Broadcasting Co. is not financially qualified, in that James C. Wallentine failed to submit sufficient information to establish that he has adequate liquid assets to meet the construction costs and initial operating expenses of his proposed station; and

It further appearing that the proposal of William Parmer Fuller, III (BP-11727) would involve mutual interference with the proposals in applications BP-11813 and BP-12017, and would cause objectionable interference with the existing operation of Station KVNU, Logan, Utah; and

It further appearing that the proposal of Kanab Broadcasting Co. (BP-11813) would involve mutual interference with the proposal in application BP-11727, and would cause objectionable interference to Station KSTR, Grand Junction, Colorado; and

It further appearing that the proposal of Inland Empire Broadcasting Co. would involve mutual interference with the proposal in application BP-12017; would cause objectionable interference to Station KSUB, Cedar City, Utah and Station KCLS, Flagstaff, Arizona; and that interference received from Station KCLS would affect more than 10 percent of the population within the proposed normally protected primary service area in contravention of the provisions of § 3.28(c) of the Commission rules; and

It further appearing that the proposal of Cache Valley Broadcasting Company (BP-12017) would involve mutual interference with the proposals in applications BP-11727 and BP-11907; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the subject applications and Stations KSTR, KCLS and KSUB were advised by letter dated February 18, 1959, of the aforementioned deficiencies, and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by William Parmer Fuller III and Cache Valley Broadcasting Company; and

It further appearing that by letters dated March 17 and March 18, 1959, respectively, Inland Empire Broadcasting Co. and Kanab Broadcasting Co. re-

quested a thirty-day extension of time within which to reply to the Commission's above-referenced letter of February 18, 1959; that we are of the opinion that the public interest, proper dispatch of the Commission's administrative responsibility, and the equities of the other applicants herein require designating the said applications for hearing without delay; and that after the applications are designated for hearing the applicants may petition for leave to amend their applications pursuant to § 1.311(b) of the Commission rules which provides that such petition may be granted if good cause is shown; and that, therefore, the said requests for extension of time to reply should be denied; and

It further appearing that Stations KSTR, KCLS and KSUB requested that they be made parties to a hearing on the above applications by letters dated March 7, March 11, and March 20, 1959, respectively; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on these applications is necessary;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of William Parmer Fuller, III, Kanab Broadcasting Co. and Inland Empire Broadcasting Co., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Station KVNU as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of William Parmer Fuller, III would cause objectionable interference to the existing operation of Station KVNU, Logan, Utah, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Kanab Broadcasting Co. would cause objectionable interference to the existing operation of Station KSTR, Grand Junction, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Inland Empire Broadcasting Co. would cause objectionable interference to stations KSUB, Cedar City, Utah and KCLS, Flagstaff, Arizona, or any other existing standard broadcasting stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

6. To determine whether interference received from Station KCLS, Flagstaff, Arizona would affect more than 10 percent of the population within the proposed normally protected primary service area of Inland Empire Broadcasting Co. in contravention of the provisions of § 3.28(c) of the Commission Rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to, and receive from, each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether Kanab Broadcasting Co. is financially qualified to construct and operate the proposed station.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered,* That Mountain States Broadcasting Corporation, Charles J. Saunders, and Southern Utah Broadcasting Company, licensees of stations KSTR, KCLS and KSUB, respectively, are made parties to the proceeding, and Cache Valley Broadcasting Company is made a party as to the existing operation of Station KVVU.

*It is further ordered,* That the above-referenced requests by Inland Empire Broadcasting Co. and Kanab Broadcasting Co. for an extension of time to reply to the Commission's letter of February 18, 1959, are denied.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3874; Filed, May 6, 1959;  
8:49 a.m.]

[Docket No. 12864; FCC 59-404]

## VIRGIN ISLANDS BROADCASTING SYSTEM

### Order Designating Application for Hearing on Stated Issues

In re application of Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Christiansted, Virgin Islands, Docket No. 12864, File No. BMP-8149; for additional time to construct Station WDTV.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of April 1959:

The Commission having under consideration the above-captioned application requesting additional time to construct a standard broadcast station at Christiansted, Virgin Islands; and

It appearing that on March 31, 1954, the Commission issued a construction permit (BP-9071) to Mary Louise Vickers, tr/as West Indies-Caribbean Radio, authorizing the construction of a new standard broadcast station at Cruz Bay, St. John, V.I., 1190 kc, 500 watts, unlimited time; and

It further appearing that on October 24, 1958, the Commission authorized a change in station location and transmitter site (BMP-7222) to Christiansted, V.I., situated on the Island of St. Croix, approximately 40 miles south of the site originally selected; and

It further appearing that based on successive applications of Mary Louise Vickers, additional extensions of time for completion of construction have been granted; and

It further appearing in response to a Commission letter dated June 19, 1958, the applicant attributed her failure to begin construction on inability to obtain a long term lease for the transmitter site from the Government of the Virgin Islands; and

It further appearing that on August 21, 1958, the Commission directed another letter to the applicant in an effort to elicit, among other things, more detailed information concerning the availability of a new site, which inquiry has not been satisfactorily answered by the applicant; and

It further appearing that by letter adopted February 25, 1959, the applicant was advised that the Commission was unable to find that she had been diligent in proceeding with the construction of the station, or that she had been prevented from commencing construction by causes not under her control, or had made a showing of other matters sufficient to justify the requested extension; and that the applicant was being given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing that on March 12, 1959, the applicant responded to the Commission's letter of February 25, and requested that its application be designated for hearing; and

It further appearing that in view of the many extensions already granted in this case, the Commission is desirous of

obtaining a record as to the facts and circumstances underlying the numerous delays which have occurred in the commencement of construction; and

It further appearing that upon consideration of the above-captioned application and all related correspondence with the applicant, including the Commission's letter of February 25, 1959, and the applicant's reply thereto dated March 12, 1959, the Commission is unable to determine that a grant of said application would be in the public interest:

*It is ordered,* That the above-captioned application is designated for hearing in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Mary Louise Vickers has been diligent in proceeding with the construction of the proposed standard broadcast facilities first authorized on March 31, 1954, under BP-9071 as reinstated, modified and further extended up to the present time.

2. To determine whether during this period Mary Louise Vickers has been prevented from completing construction of the proposed facilities by causes not under her control within the meaning of section 319(b) of the Communications Act of 1934, as amended.

3. To determine whether, on the basis of the evidence adduced with respect to the above issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

*It is further ordered,* That to avail herself of the opportunity to be heard Mary Louise Vickers, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3875; Filed, May 6, 1959;  
8:50 a.m.]

[Docket Nos. 12865, 12866; FCC 59-407]

## CHRONICLE PUBLISHING CO. (KRON- TV) AND AMERICAN BROADCAST- ING-PARAMOUNT THEATRES, INC. (KGO-TV)

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401;

for construction permits to increase antenna height.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 29th day of April 1959;

The Commission, having under consideration the application of Chronicle Publishing Company (Chronicle), for a permit to increase the overall antenna height above mean sea level of Station KRON-TV, located on San Bruno Peak, from 1,480 to 2,049 feet; the application of American Broadcasting-Paramount Theaters, Inc. (AB-PT), for a permit to increase the overall antenna height above mean sea level of Station KGO-TV, located on Mt. Sutro, from 1,348 to 1,811 feet; the petition of AB-PT for consolidated hearing with the application of Chronicle; the opposition thereto filed by Chronicle; and the reply to the opposition; and

It appearing that the Washington Airspace Panel of the Air Coordinating Committee after comparative evaluation of the Chronicle and AB-PT proposals recommended approval of the Chronicle tower on San Bruno Peak at a height of 2,049 feet above sea level; approved the establishment of San Bruno as an "antenna farm" at a maximum tower height of 2,049 feet above mean sea level for the San Francisco-Oakland vicinity; disapproved the AB-PT proposal for Mt. Sutro; and disapproved the establishment of Mt. Sutro as an "antenna farm"; and

It further appearing that AB-PT has filed a petition alleging that a grant of the Chronicle application would preclude a grant of its application; that, therefore, the two proposals are mutually exclusive; that they must be designated for consolidated hearing; and

It further appearing that the Department of the Army has filed an objection to a grant of either proposal on grounds other than those relating to aeronautical hazard; that the nature of the objection is a classified matter and cannot be further specified; and that the parties are aware of the nature of the objection; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated April 16, 1958, and January 27, 1959, of all objections to their applications, and of the inability of the Commission to find that a grant of their applications without hearing would be in the public interest, and were given an opportunity to reply; and

It further appearing that Chronicle in its reply to the above-mentioned section 309(b) letters requested an immediate grant without hearing of its application on the grounds that its tower proposal has been approved; that its application is not mutually exclusive with the AB-PT application; and that there is no basic objection by the Department of the Army which would preclude grant of its application; and

It further appearing that the Commission is unable to find on the basis of the facts before it that the above-captioned applications are not mutually exclusive, or that the Department of the Army's objection has been so modified as to permit grant of either the Chronicle application or that the AB-PT application without hearing; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations, except with respect to the issues specified below;

*It is ordered*, That the petition of Chronicle Publishing Company for an immediate grant without hearing is denied.

*It is further ordered*, That the petition for consolidated hearing filed by American Broadcasting-Paramount Theaters, Inc. is granted to the extent provided for below.

*It is further ordered*, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of the Chronicle Publishing Company and American Broadcasting-Paramount Theaters, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, in view of the objection raised by the Department of the Army, whether approval of the tower proposals of either or both applicants would have an adverse effect upon national defense in the San Francisco area.

2. To determine whether the antenna system and site proposed by American Broadcasting-Paramount Theaters, Inc. would constitute a hazard to air navigation, in the event the Commission should grant the above-captioned application of Chronicle Publishing Company.

3. If issue "1" above is not determinative, or if issue "2" above be determined in the affirmative, then to determine on a comparative basis, whether the public interest, convenience and necessity would be better served by a grant of the Chronicle application than by a grant of AB-PT's application.

4. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications, if either, should be granted.

*It is further ordered*, That the hearing examiner in the hearing herein ordered shall, at a pre-hearing conference with representatives of the applicants, the Department of Defense and the Broadcast Bureau, determine the procedure under which evidence can be adduced with respect to issue "1" above so as to protect adequately the interests of national security as well as the interests of the applicants.

*It is further ordered*, That the Department of Defense and the Federal Aviation Agency are hereby made parties to the above proceeding.

*It is further ordered*, That to avail themselves of the opportunity to be heard, Chronicle Publishing Company, American Broadcasting-Paramount Theaters, Inc., the Department of Defense and the Federal Aviation Agency pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3876: Filed, May 6, 1959;  
8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### GRAIN WAREHOUSES

#### Announcement of Unit Price for Grain for Net Assets and Bond Purposes Under the United States Warehouse Act

In accordance with the provisions of §§ 102.6 and 102.14 of the regulations for grain warehouses (7 CFR 102.6, 102.14) under section 28 of the United States Warehouse Act (7 U.S.C. 268), and pursuant to a delegation of authority appearing at 22 F.R. 1455, notice is hereby given that the unit price for various grains has been established as follows, for purposes of fixing the amount of net assets required under said § 102.6 and the amount of bond required under said § 102.14, applicable to warehouse licenses issued, or amendments or renewals of warehouse licenses granted, under the United States Warehouse Act during the calendar year beginning June first, 1959:

	Per bushel
Wheat -----	\$1.90
Flaxseed -----	2.50
Soybeans -----	2.00
Rice (rough) -----	2.20
Rice (milled) -----	5.10

The amount of net assets and bond to be required of warehousemen licensed under the United States Warehouse Act are within the discretion of the responsible officials of the Agricultural Marketing Service, exercised to carry out the purposes of the act. The regulations base such amounts on the unit prices for grains as announced annually by the Administrator or his delegatee. It is the policy of this Department to announce the same unit prices for purposes of this act as are established in connection with price support programs of this Department. Therefore no purpose would be



served by publishing a notice of rule-making or other public procedure on the announcement of the unit prices for grain under said act, and accordingly under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that such public procedure on the foregoing announcement would be impracticable and unnecessary. The announced unit prices should be made effective at the same time as the unit prices specified for price support purposes so as to achieve uniformity of operations. Therefore under said section 4 good cause is found for making the announcement effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of May 1959.

GEORGE A. DICE,

Director, Special Services Division.

[F.R. Doc. 59-3877; Filed, May 6, 1959; 8:50 a.m.]

## FEDERAL POWER COMMISSION

### HUMBLE OIL & REFINING CO.

[Docket No. G-18324]

#### Order for Hearings and Suspending Proposed Changes in Rates <sup>1</sup>

APRIL 28, 1959.

In the matters of Humble Oil & Refining Company, Docket No. G-18324; The Carter Oil Company, Docket No. G-18325; Sinclair Oil & Gas Company, Docket No. G-18326; Jake L. Hamon (Operator) et al., Docket No. G-18327.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents.

Respondent	Rate schedule	Supp. No.	Purchaser	Notice of change dated	Date tendered	Rate suspended until—
1. Humble Oil & Refining Company.	10	16	Texas Eastern Transmission Corporation.	Mar. 23, 1959 <sup>2</sup>	Mar. 30, 1959	Sept. 3, 1959 <sup>2</sup>
2. The Carter Oil Company.	60	2	Natural Gas Pipe Line Company of America.	Mar. 30, 1959	Apr. 1, 1959	Oct. 2, 1959 <sup>2</sup>
3. Sinclair Oil & Gas Company.	174	2	El Paso Natural Gas Company.	do.	do.	Do. <sup>2</sup>
4. Jake L. Hamon (Operator), et al.	20	1	do.	Mar. 27, 1959	Mar. 30, 1959	Sept. 30, 1959

<sup>1</sup> The proposed increased rate is suspended and the use thereof deferred until the date set out in the "Rate Suspended Until" column and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

<sup>2</sup> The presently effective rate is subject to refund in Docket No. G-14927.

In support of the increased rate proposal, Humble Oil & Refining Company (Humble), submitted a letter agreement dated February 19, 1959, wherein Texas Eastern Transmission Corporation agrees to Humble's proposed redetermined rate. In addition, Humble stated that the contract was negotiated at arm's length and requested that, since the Commission Staff has been investigating Humble's books since June 27, 1956, no need exists for suspending such increase, but if suspended, the suspension period be limited to one day. The Carter Oil Company stated, among other things, that there is no affiliation between the parties to its contract and that the proposed increased rate was negotiated at arm's length. Sinclair Oil & Gas Company stated that the proposed increased rate will not result in an excessive return, but will merely fulfill the contractual obligations of the parties to the contract and yield a return commensurate with the risks inherent in the exploration, development, production, gathering, and sale of natural gas. Jake L. Hamon (operator), et al., states that his proposed increased rate results from a pricing clause negotiated at arm's length and that such increased rate is below the prices paid for similar gas under new contracts in the same general area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the aforementioned supplements each be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon, each of said supplements be and it hereby is suspended and the use thereof deferred as set out above.

(C) None of the several supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3758; Filed, May 6, 1959; 8:45 a.m.]

[Docket No. G-9065 etc.]

### HUNT OIL CO.

#### Notice of Consolidation of Proceedings and Date of Hearings

APRIL 30, 1959.

By Notice of Consolidation of Proceedings issued October 31, 1958, the rate suspension proceedings, in the matters of Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13473, G-13504, G-13530, G-14082, G-14408, G-16422 and G-16479 were consolidated and set for public hearing. The hearing was held on November 3 and 4, 1958, during which Hunt Oil Company presented its case-in-chief in support of its proposed changes in rates.

Take notice that the proceeding initiated by Order Instituting Investigation, issued May 17, 1958, Docket No. G-10414, in the matter of Hunt Oil Company, is consolidated with the aforesaid proceedings to the end that these matters may be disposed of as promptly as possible.

Take further notice that pursuant to prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4, 5, 14 and 15 thereof, and the Commission's rules of practice and procedure, the public hearing, as scheduled by the Presiding Examiner, will be resumed on May 5, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., and such hearing shall concern the matters and issues in the proceedings as herein consolidated.

Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

[SEAL]

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3845; Filed, May 6, 1959; 8:45 a.m.]

[Docket No. G-6819]

### C. G. GLASSCOCK OIL CO.

#### Order Permitting Filing To Be Treated as Amendment to Application for Certificate of Public Convenience and Necessity, Denying Intervention and Setting Date of Hearing

APRIL 30, 1959.

C. G. Glasscock Oil Company (Applicant), filed on December 2, 1954 an ap-

plication for certificates of public convenience and necessity authorizing the continuance of certain sales of natural gas in interstate commerce for resale, as hereinafter described, and all as more fully described in the application.

Applicant sought authorization to continue making the following sales of natural gas produced from the specified fields.

*Field, Purchaser, and Date of Contract*

South Robstown Field, Nueces County, Tex.; Tennessee Gas Transmission Co.; February 11, 1954 (Applicant's FPC Rate Schedule No. 1).

B. Flores Field, Starr and Hidalgo Counties, Tex.; Sun Oil Co.; June 1, 1951.

By notice issued August 23, 1956, this matter was set for hearing to be held on September 18, 1956. On September 4, 1956, Sun Oil Company (Sun), the alleged purchaser involved in the sale of gas produced from the B. Flores Field, filed a petition to intervene in this proceeding. Sun's petition alleged that the sale contract filed by Applicant as part of its certificate application is a processing agreement under which Sun processes raw natural gas, pays Applicant for the products extracted, and makes the residue gas available to Applicant at the tailgate of the processing plant. In the event Applicant does not dispose of the residue gas, Sun may dispose of it for Applicant, and account to Applicant for the proceeds of any sale of such gas, but that Sun never takes title to or purchases said residue gas.

Sun is presently selling the residue gas to Transcontinental Gas Pipe Line Corporation (Transco), who transports the gas in interstate commerce for resale. Sun has received authorization in Docket No. G-6629 to make this sale under Sun's FPC Gas Rate Schedule No. 6.

On November 6, 1958, Applicant filed a notice of withdrawal of that part of the application relating to the sale of gas produced from the B. Flores Field, acknowledging the facts set out in Sun's petition to intervene. Since the Commission's rules do not provide for the withdrawal of a portion of a pleading, Applicant's "notice of withdrawal" will be considered an amendment to the application deleting therefrom the request for authorization to sell natural gas produced from the B. Flores Field to Sun Oil Company. At the hearing herein provided for the Commission will consider the remaining portion of the application, that being the request for a certificate authorizing the sale to Tennessee Gas Transmission Company.

*The Commission finds:*

(1) The records in this proceeding disclose that with respect to the sale of gas from the B. Flores Field, the C. G. Glasscock Oil Company is a "non-signatory party" as that term is defined in § 154.91 of the Commission's regulations under the Natural Gas Act, and thus is not a proper party to receive a certificate of public convenience and necessity authorizing said sale.

(2) Good cause exists for permitting the "notice of withdrawal" filed by Applicant on November 6, 1958, to be accepted as an amendment to the appli-

cation filed by Applicant on December 2, 1954, so as to delete therefrom the request for a certificate of public convenience and necessity authorizing Applicant to sell gas produced from the B. Flores Field to Sun Oil Company.

(3) The petition to intervene filed in this proceeding by Sun Oil Company and the issues presented thereby are rendered moot by the findings and orders herein and no good cause now exists for permitting the intervention of Sun in the remaining portion of this proceeding.

*The Commission orders:*

(A) The "notice of withdrawal" filed by Applicant on November 6, 1958, is hereby accepted as an amendment to the application in Docket No. G-6251 deleting the request for a certificate authorizing the sale of gas produced from the B. Flores Field to Sun Oil Company.

(B) The petition to intervene in this proceeding filed by Sun Oil Company on September 4, 1956, be and the same is hereby denied.

(C) A hearing will be held on May 26, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application filed in Docket No. G-6819, as amended: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3844; Filed, May 6, 1959;  
8:45 a.m.]

[Docket No. G-17095 etc.]

**MIDWEST NATURAL GAS CORP.  
ET AL.**

**Notice of Application, Amended  
Application, and Date of Hearing**

APRIL 30, 1959.

In the matter of Midwest Natural Gas Corporation, Docket No. G-17095; Texas Eastern Transmission Corporation, Docket No. G-17237; City of Batesville, Indiana, Docket No. G-18072.

Take notice that the City of Batesville, Indiana (Batesville), filed on March 16, 1959, an application in Docket No. G-18072 for an order pursuant to section 7(a) of the Natural Gas Act directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its facilities with the facilities Batesville proposes to construct and operate, and to sell and deliver to Batesville natural gas for distribution in the City of Batesville, Indiana, and environs, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Batesville proposes to construct approximately 2.3 miles of 4-inch pipeline between Texas Eastern's main line and the city limits of Batesville. Batesville estimates its total third year requirements as 149,579 Mcf with a peak day requirement of 1064 Mcf. The gas will be used for domestic, commercial and industrial purposes.

On April 15, 1959, Texas Eastern filed a petition to amend its application in Docket No. G-17237, and its answers to the 7(a) applications of Midwest Natural Gas Company in Docket No. G-17095 and City of Batesville in Docket No. G-18072.

In its petition to amend the application in Docket No. G-17237, Texas Eastern requests authority to sell the following additional volumes of gas to its existing customers, in lieu of the additional volumes set forth in its original application.

Customer	Mcf at 14.73 psia		
	Presently authorized	Proposed increase	Proposed total
City of Cairo, Ill. ....	3,672	408	4,080
City of Columbia, Ky. . .	700	193	893
City of Lebanon, Tenn. . .	2,110	797	2,907
City of Liberty, Ky. . . .	392	150	542
Permian Oil & Gas Co. . . .	612	1,020	1,632
Southeastern Illinois Gas Co. ....	* 2,856	714	3,570
Total .....	10,342	3,282	13,624

Originally, Texas Eastern had also proposed to sell additional volumes to the City of Franklin, Tennessee, Town of Fulton, Mississippi, and the City of Huntington, Indiana. Texas Eastern now amends its application to eliminate the additional sales to these three towns and to request authority to sell a total of 3,282 Mcf per day of additional gas to the 6 named customers. It also states that it is willing to establish physical connections with Midwest Natural and Batesville, and to sell them their second year requirements. It further adds that if the Commission deems it in the public interest, Texas Eastern would assume the obligation to sell Midwest Natural and Batesville up to their third year peak day requirements, since the difference between the second and third year requirements totals only 768 Mcf for both 7(a) Applicants.

On April 15, 1959, Midwest Natural and Batesville requested, in view of Texas Eastern's present position, that the matter be disposed of under the shortened hearing procedure, and that the Commission direct Texas Eastern to serve the 7(a) Applicants' third year peak day requirements.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1959 at 9:30 a.m., e.d.s.t., in a hearing

room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3846; Filed, May 6, 1959;  
8:46 a.m.]

[Docket No. G-16492]

**T. L. JAMES & COMPANY, INC.,  
ET AL.**

**Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective**

MAY 1, 1959.

T. L. James and Company, Inc., et al. (James), on April 2, 1959, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of change, dated March 31, 1959.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 1 to Supplement No. 4 to James' FPC Gas Rate Schedule No. 1.

Effective date: May 3, 1959 (stated effective date is the first day after the required thirty days' notice).

In support of the proposed increased rate and charge, James has interpreted the tax provisions of the aforementioned rate schedule to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same level that James received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

<sup>1</sup> Supplement No. 3 to James' FPC Gas Rate Schedule No. 1 was suspended for one day and made effective subject to refund as of August 2, 1958 by order issued August 20, 1958, in Docket No. G-15874. Supplement No. 4 to James' FPC Gas Rate Schedule No. 1, was tendered for filing on September 16, 1958 and was suspended by order issued October 14, 1958 in Docket No. G-16492, but no motion was made to place the suspended rate in effect subject to refund. This present filing supersedes and replaces Supplement No. 4 to James' FPC Gas Rate Schedule No. 1.

The rate and charge so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use deferred as herein-after ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that James be required to file an undertaking as herein-after ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed rate and charge contained in Supplement No. 1 to Supplement No. 4 to James' FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 4, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement shall be effective on May 4, 1959: *Provided, however*, That within 20 days from the date of this order James shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) James shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to James until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if James so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sale to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof,

James shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

*Agreement and Undertaking of T. L. James and Company, Inc., et al. To Conform With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes*

In conformity with the requirements of the order issued in Docket No. G-16492, T. L. James & Company, Inc., hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this \_\_\_\_\_ day of \_\_\_\_\_.

T. L. JAMES AND COMPANY, INC.

By \_\_\_\_\_

Attest: \_\_\_\_\_

As a further condition of this order James shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless James is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If James shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State Commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3847; Filed, May 6, 1959;  
8:46 a.m.]

[Docket No. G-18409]

**T. L. JAMES AND COMPANY, INC.**

**Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective**

MAY 1, 1959.

T. L. James and Co., Inc. (James) on April 2, 1959, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas

<sup>1</sup> Present rate previously suspended and is in effect subject to refund in Docket No. G-16051 (Louisiana gas gathering tax).

subject to the jurisdiction of the Commission. The proposed change is contained in the following filing:

Description: Notice of change, dated March 31, 1959.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to James' FPC Gas Rate Schedule No. 6.

Effective date: May 3, 1959 (stated effective date is the first day after the required thirty days' notice).

James proposes a contractually provided periodic increase of 4.5 mills from 12.437 cents per Mcf to 12.887 cents per Mcf for gas produced in Simsboro Field, Lincoln Parish, Louisiana.

In addition, the rate and charge here proposed reflect James' interpretation of the tax provisions of the basic contracts to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same level that James received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The rate and charge so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

It is deemed advisable to suspend the said proposed rate and charge. This suspension, however, is based on the questionable interpretation of the tax provisions of the basic contracts and only such tax reimbursement portion of the proposed rate shall be subject to refund.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use deferred as herein-after ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that James be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in Supplement No. 3 to James' FPC Gas Rate Schedule No. 6.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 4, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge and classification set forth in the above-designated supplement shall be effective on May 4, 1959: *Provided, however*, That within 20 days from the date of this order James shall execute and file with the Secretary of

the Commission the agreement and undertaking described in paragraph (E) below.

(D) James shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to James until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if James so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, James shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

*Agreement and Undertaking of T. L. James and Co., Inc., to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change*

In conformity with the requirements of the order issued \_\_\_\_\_, 1959, in Docket No. \_\_\_\_\_, T. L. James and Company, Inc., hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this \_\_\_\_\_ day of \_\_\_\_\_.

T. L. JAMES AND CO., INC.  
By \_\_\_\_\_

Attest:

As a further condition of this order James shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless James is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If James shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed

until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3848; Filed, May 6, 1959; 8:46 a.m.]

[Docket No. G-17434]

HARRY W. BASS

### Order Accepting Corrected Supplement for Filing and Terminating Proceeding

MAY 1, 1959.

On December 12, 1958, Harry W. Bass (Bass) tendered for filing a proposed change to his then effective rate schedule reflecting the suspension of the Louisiana gas gathering tax and the simultaneous increase in that State's gas severance tax. Bass' interpretation of the tax provisions of the contract as reflected in the filing were questionable. The aforesaid tender, which was designated as Supplement No. 8 to Bass' FPC Gas Rate Schedule No. 1,<sup>1</sup> was therefore suspended until January 13, 1959, by order issued January 9, 1959, in this proceeding and by that order was permitted to become effective as of that date upon filing of appropriate undertaking. As of this date, the undertaking has not been filed. On March 9, 1959, Bass tendered a filing which appears to properly reflect the tax provisions of the contract. Said tender, which is designated as Supplement No. 9 to Bass' FPC Gas Rate Schedule No. 1, is considered as tendered in substitution for Supplement No. 8.

The Commission finds: Good cause exists for vacating the period of suspension as such relates to Supplement No. 8 of Bass' FPC Gas Rate Schedule No. 1, for accepting Supplement No. 9 as a substitute for aforesaid Supplement No. 8, for waiving notice requirements so as to permit Supplement No. 9 to be effective as of December 1, 1958, and for terminating this proceeding.

The Commission orders:

(A) Supplement No. 9 to Bass' FPC Gas Rate Schedule No. 1 is hereby accepted for filing, to be effective as of December 1, 1958.

(B) This order is without prejudice to any findings or orders which have been or may be made by the Commission in Docket No. G-15726, or in any other proceeding now pending or hereinafter instituted by or against Bass.

(C) This acceptance shall not be construed as constituting approval of any rate, charge, classification, or service, or any rule, regulation, or practice affecting such rate, charge, classification or service

<sup>1</sup> Pertains to sale of gas produced in Ada Field, Webster and Bienville Parishes, La., to Arkansas Louisiana Gas Company.

contained in the filing herein accepted; nor shall such action be deemed as recognition of any claimed contractual right or obligation associated therewith.

(D) This proceeding is hereby terminated.

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3849; Filed, May 6, 1959;  
8:46 a.m.]

[Docket No. E-6882]

## PACIFIC POWER & LIGHT CO.

### Notice of Application

MAY 1, 1959.

Take notice that on April 27, 1959, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant") seeking an order authorizing the merger of Rawlins Electric Company ("Rawlins") into and with Applicant and authorizing the issuance and assumption by Applicant, as the surviving corporation, of the securities which will be issued and assumed by it as a result of the proposed merger. Applicant, having its principal business office at Portland, Oregon, is a corporation organized under the laws of the State of Maine and does business in the States of Idaho, Montana, Oregon, Washington, and Wyoming. Rawlins is a corporation organized under the laws of the State of Wyoming with its principal business office at Rawlins, Wyoming. It does business only in the State of Wyoming. Applicant is engaged principally in the business of generating, purchasing, transmitting, distributing and selling electric energy in Oregon, Washington, Wyoming, Montana, and Idaho. Rawlins is engaged in the business of generating, purchasing, transmitting, distributing and selling electric energy in Rawlins, Wyoming, and areas adjacent thereto. After the consummation of the proposed merger, Applicant, as surviving corporation, intends to use the facilities of Rawlins for the same purposes as they are presently being used by Rawlins. When the merger agreement, dated February 27, 1959, becomes effective, applicant will succeed to all the rights and properties of Rawlins and will also become subject to all the liabilities and obligations of Rawlins, including all First Mortgage Bonds at the time outstanding under its Indenture, dated as of October 1, 1941, to Irving Trust Company, as Trustee. Applicant proposes to issue six shares of its authorized but unissued Common Stock of par value of \$6.50 per share for each of the 5,000 shares of Common Stock of the par value of \$100 per share of Rawlins outstanding on the effective date of the aforesaid merger. Applicant proposes to issue in the aggregate 30,000 shares of its Common Stock to effect the proposed merger.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of May 1959, file with the Federal Power Commission, Washington 25, D.C.,

petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-3850; Filed, May 6, 1959;  
8:46 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### INDIANA

### Amendment to Notice of Major Disaster

Notice of Major Disaster, published March 12, 1959, and amended on March 24, 1959, for the State of Indiana (24 F.R. 1817 and 24 F.R. 2285) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President's amendment of February 13, 1959, to his declaration of January 29, 1959:

Daviess.  
Gibson.  
Grant.

Dated: April 24, 1959.

LEO A. HOEGH,  
Director, Office of  
Civil and Defense Mobilization.

[F.R. Doc. 59-3840; Filed, May 6, 1959;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

### F. L. JACOBS CO.

### Order Summarily Suspending Trading

MAY 1, 1959.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with Section 13 of the Act and the rules and regulations thereunder.

On April 21, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending May 1, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 2, 1959, to May 11, 1959, inclusive.

By the Commission.

[SEAL] Nellye A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 59-3862; Filed, May 6, 1959;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 1, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 35401: *Refractory articles—Corning, N.Y., to the South.* Filed by O. E. Schultz, Agent (ER No. 2492), for carriers parties to schedule listed below. Rates on refractory articles, carloads from Corning, N.Y., to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 40 to Trunk Line Territory Tariff Bureau tariff I.C.C. A-917.

FSA No. 35402: *Scrap iron—Muskegon, Mich., to Chicago, Ill.* Filed by O. E. Schultz, Agent (CTR No. 2404), for and on behalf of the Chesapeake and Ohio Railway Company. Rates on scrap iron or steel, carloads from Muskegon, Mich., to Chicago, Ill.

Grounds for relief: Competition of carriers by water on Lake Michigan.



Tariff: Supplement 58 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 35403: *Anthracite briquettes and coal to New Jersey and New York points.* Filed by Reading Company, Agent (No. A-7), for interested rail carriers. Rates on anthracite briquettes, and anthracite coal, carloads, as described in the application from mines in the Schuylkill Region in Pennsylvania to Edgewater, North Bergen, N.J., and Newburgh, N.Y.

Grounds for relief: Motor truck and market competition.

Tariff: Supplement 52 to Reading Company's tariff I.C.C. No. A-390.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-3832; Filed, May 5, 1959;  
8:49 a.m.]

[Notice 84]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 1, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 3), HELM'S EXPRESS, INC., P.O. Box 263, Pittsburgh 30, Pa., filed April 20, 1959. Attorney for said carrier, John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Springfield, Ohio, and Dayton, Ohio, as follows: from Springfield over relocated U.S. Highway 40 to junction U.S. Highway 25 north of Dayton, thence over U.S. Highway 25 to Dayton and return over the same route, serving no intermediate points, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities between the named deviation points over Ohio Highway 4.

#### MOTOR CARRIER OF PASSENGERS

No. MC 54534 (Sub No. 1) (Deviation No. 1), GRAND ISLAND MOHAWK TRANSIT CORPORATION, 200 West Mohawk Street, Buffalo 2, N.Y., filed April 17, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* over a deviation route between Buffalo, N.Y., and Niagara Falls, N.Y., as follows: from Buffalo over the Niagara Section of the New York State Thruway to Niagara Falls, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Buffalo and Niagara Falls over New York State Highways 266 and 324.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-3833; Filed, May 6, 1959;  
8:45 a.m.]

[Notice 16]

### APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

MAY 1, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 98980 (Sub No. 1), filed December 8, 1958. Applicant: S & S TRANSPORTATION, INC., Conklin Avenue, Wolcott, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and bananas*, between New York, N.Y., and points in Cayuga, Chautauqua, Chemung, Cortland, Erie, Fulton, Genesee, Monroe, Onondaga, Ontario, Orleans, Oswego, Steuben, and Wayne Counties, N.Y., and points in

New Jersey, such as Northern and Central New Jersey area.

NOTE: Applicant conducts operations under the second proviso of section 206(a)(1).

No. MC 107698 (Sub No. 22), filed October 20, 1958. Applicant: BONANZA, INC., Southeast 28th Street and Sooner Road, Oklahoma City 10, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, (1) between points in Louisiana on the one hand, and, on the other, points in Oklahoma; (2) between points in Washington, California, Oregon, Idaho, and Utah on the one hand, and, on the other, points in New Mexico, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Tennessee, and Missouri; (3) between points in Arkansas on the one hand, and, on the other, points in Texas. Applicant is authorized to conduct operations in California, Texas, Arizona, New Mexico, Colorado, Oklahoma, Idaho, Oregon, Washington, Arkansas, and Missouri.

No. MC 117777, filed October 30, 1958. Applicant: WILLARD SWANEY, 137 Welch Avenue, Columbus, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., and Weehawken, N.J., to Columbus, Ohio.

No. MC 117825, filed November 12, 1958. Applicant: CARL E. BRADEN, doing business as BRADEN'S PRODUCE, 111 East Kansas Avenue, Smith Center, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bananas*, from New Orleans, La., to Smith Center, Kans.: from New Orleans over U.S. Highway 61 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 1, thence over Louisiana Highway 1 to junction Louisiana Highway 2, thence over Louisiana Highway 2 to junction Texas Highway 49, thence over Texas Highway 49 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction Oklahoma Highway 3, thence over Oklahoma Highway 3 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 40,

thence over Oklahoma Highway 40 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction Oklahoma Interstate Highway 35, thence over Oklahoma Interstate Highway 35 to Kansas Interstate Highway 35, thence over Kansas Interstate Highway 35 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Kansas Highway 181, thence over Kansas Highway 181 to junction U.S. Highway 36, and thence over U.S. Highway 36 to Smith Center.

No. MC 117943, filed December 1, 1958. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING P.O. Box 907, Eustis, Fla. Applicant's attorney: Neal D. Huebsch, P.O. Box 1481, Eustis, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, from points in Florida to Washington, D.C., Carlstadt, N.J., Mount Kisco, Waterford, and Binghamton, N.Y., Sunbury, Pa., and Burlington, Iowa.

No. MC 117987, filed December 4, 1958. Applicant: FAY KAROL, 223 South Second Street, Philadelphia, Pa. Applicant's attorney: Joseph E. Gold, 1428 South Penn Square, Philadelphia 2, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Weehawken, N.J., New York, N.Y., Norfolk, Va., and Philadelphia, Pa., to Philadelphia, Pa., and Wilmington, Del.

No. MC-118003, filed December 4, 1958. Applicant: NORMAN ARTABANE, 221 North St. Francis Cabrini Avenue, Scranton, Pa. Applicant's attorney: Albert B. Mackarey, Connell Building, Scranton 3, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between New York and Brooklyn, N.Y., Weehawken, N.J., Baltimore, Md., and Scranton, Easton, and Wilkes-Barre, Pa.

No. MC 118006, filed December 4, 1958. Applicant: K. W. DIAL, 916 Athennia Parkway, P.O. Box 364, Metairie, La. Applicant's attorney: Warren Whitham, 1310-21 Kirby Building, Dallas 1, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to all points in Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin.

No. MC 118011 filed December 4, 1958. Applicant: JOSEPH A. HAZZOURI, 146 South Sumner Avenue, Scranton, Pa. Applicant's attorney: Albert B. Mackarey, Connell Building, Scranton 3, Pa. Grandfather authority sought under section 7 of the Transportation Act of

1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Weehawken, N.J., New York and Brooklyn, N.Y., and Baltimore, Md., to Scranton, Wilkes-Barre, and Easton, Pa., and Binghamton and Buffalo, N.Y.

No. MC 118061, filed December 8, 1958. Applicant: CARL CERNIGLIA, 143 Norman Street, New Hyde Park, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Philadelphia, Pa., Baltimore, Md., Charleston, S.C., and Weehawken, N.J., to points in Rhode Island, Massachusetts, New York, Pennsylvania, Connecticut, and New Jersey.

No. MC 118070, filed December 8, 1958. Applicant: SANTO CERNIGLIA, doing business as S. CERNIGLIA, 55 West Homestead Avenue, Palisade Park, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Weehawken, Jersey City, Bayonne, and Newark, N.J., Philadelphia, Pa., Baltimore, Md., and Charleston, S.C., to points in New York, Pennsylvania, Vermont, Ohio, Indiana, Michigan, Illinois, and Ports of Entry on the boundary between the United States and Canada in New York and Vermont.

No. MC 118076, filed December 8, 1958. Applicant: RAY BURKE AND GENE CRUTCHER, 114 South Ochoa Street, Room 205, El Paso, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between El Paso, Amarillo, and Midland, Tex., Denver, Colo., Los Angeles, Calif., and Tucson and Phoenix, Ariz.

No. MC 118080, filed December 8, 1958. Applicant: D & B PRODUCE, 280 Stratford Avenue, Bridgeport, Conn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bananas*, from Weehawken, N.J., Baltimore, Md., New York City, N.Y., and Brooklyn, N.Y., to Bridgeport, New Haven, Waterbury, Hartford, New London, and Danbury, Conn. and Springfield, Mass. over specified regular routes as set forth in the application.

No. MC 118082, filed December 8, 1958. Applicant: JOHN WILLIAM DALRYMPLE, 114 Ridge Drive, Forrest Park, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Tampa and Miami, Fla., Charleston, S.C. and Mobile, Ala., to Atlanta, Ga. and Knoxville, Tenn.

No. MC 118136, filed December 8, 1958. Applicant: JOE BARSHOP, doing busi-

ness as BANANA DISTRIBUTING CO., 410 Terminal Market, San Antonio, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Brownsville, Tex., and New Orleans, La., to San Antonio and El Paso, Tex., Los Angeles and San Francisco, Calif., and Montgomery, Ala.

No. MC 118154, filed December 9, 1958. Applicant: E. B. LITTLE, 1313 McCauley, San Antonio 21, Tex. Applicant's attorney: Robert L. Strickland, 715 Frost National Bank Building, San Antonio 5, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils and wool waste* (carded, spun, woven, or knitted), in mixed and in straight loads with *certain exempt commodities*, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

Note: Applicant states he also transports commodities shown as exempt in the "commodity list" incorporated in Ruling 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, when transported for hire in interstate or foreign commerce in the same vehicle at the same time with the above-specified commodities.

No. MC 118175, filed December 8, 1958. Applicant: HARVEY W. MCCOY, 111 South 35th Street, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in Washington and Oregon, to points in Montana.

No. MC 118189, filed December 8, 1958. Applicant: MORRIS POLLON, doing business as M. POLLON, 1455 Van Kirk Street, Philadelphia 49, Pa. Applicant's attorney: Clarence M. Freedman, 12th and Chestnut Streets, Philadelphia 7, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between New York, N.Y., Weehawken, N.J., Baltimore, Md., Philadelphia and Harrisburg, Pa., and Norfolk, Va.

No. MC 118201, filed December 9, 1958. Applicant: JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCE CO., 403 Marine Street, Mobile, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, 2284 West Fairview Avenue, Montgomery, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., and New Orleans, La., to points in Alabama, Texas, Arkansas, North Carolina, South Carolina, North Dakota, South Dakota, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, West Virginia, Virginia, and Wisconsin.

No. MC 118260, (REPUBLICATION), filed December 9, 1958, published issue of April 2, 1959. Applicant: PAUL CHERRY, Route 1, Springdale, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, in straight and in mixed loads with *certain exempt commodities*, between points in Michigan, Louisiana, Alabama, Arkansas, Oklahoma, Pennsylvania, Virginia, Texas, Missouri, Minnesota, Kansas, Ohio, Iowa, New Jersey, New York, Nebraska, and Maryland.

NOTE: The purpose of this republication is to add the transportation of certain exempt commodities.

No. MC 118309, filed December 10, 1958. Applicant: OTTIS LEWIS, 16 Williams Street, Lewisville, New Brunswick, Canada. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Boston, Mass., to Ports of Entry on the boundary between the United States and Canada, in Maine (for delivery to points in Prince Edward Island and New Brunswick, Canada).

No. MC 118336, filed December 10, 1958. Applicant: W. B. GIBSON, Grantsville, W. Va. Applicant's attorney: Robert O. Ellis, Jr., 200 Twentieth Street Bank Building, Huntington, W. Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., Charleston, S.C., Norfolk, Va., Baltimore, Md., and New Orleans, La., to Huntington and Wheeling, W. Va., and Columbus, Ohio.

No. MC 118373, filed December 9, 1958. Applicant: VIRGIL STANLEY, doing business as STANLEY BROTHERS PRODUCE, 217 Seventh Street, City Market, Huntington, W. Va. Applicant's attorney: Robert O. Ellis, Jr., 200 20th Street Bank Building, Huntington, W. Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight and in mixed loads with *certain exempt commodities*, from New Orleans, La., Miami, and Tampa, Fla., Charleston, S.C., Norfolk, Va., Balti-

more, Md., and New York, N.Y., to Huntington, W. Va., and Winston-Salem, N.C.

NOTE: Applicant states that while actual service has not been performed to the cities of Louisville, Ky., and Richmond, Va., he has been ready, willing, and able to serve such cities, and seeks authority to perform such service.

No. MC 118393, filed December 10, 1958. Applicant: R. P. HERNANDEZ, 525 West Elizabeth Street, P.O. Box 123, Brownsville, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Brownsville, Tex., and New Orleans, La., to San Antonio, Harlingen, and Edinburg, Tex.

No. MC 118755, filed November 4, 1958. Applicant: S. S. CIEUTAT, doing business as CIEUTAT PRODUCE CO., RFD No. 1, Riverdale, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami, Port Everglade, Tampa, and Jacksonville, Fla., New Orleans, La., Mobile, Ala., Charleston, S.C., and Norfolk, Va., to Macon, Atlanta, and Rome, Ga., Knoxville, Morristown, Memphis, Chattanooga, Nashville, and Johnson City, Tenn., Winston-Salem and Raleigh, N.C., Gadsden, Birmingham, and Tuscaloosa, Ala., Columbia, S.C., Little Rock, Ark., Louisville, Ky., Huntington, W. Va., St. Louis, Mo., Indianapolis, Ind., Cincinnati, Ohio, Flint, Mich., and Oklahoma City, Okla.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-3834; Filed, May 6, 1959;  
8:45 a.m.]

[Notice 119]

## MOTOR CARRIER TRANSFER. PROCEEDINGS

MAY 1, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61869. By order of April 28, 1959, the Transfer Board approved the transfer to Sam I. Miller and Bennie F. Conn, a partnership, doing business as S S S Transfer Company, 600 East Franklin Street, El Paso, Tex., of Certifi-

cate in No. MC 65787, issued October 10, 1942, to Geo. Metzgar and Sam I. Miller, doing business as S S S Transfer Company, 600 East Franklin Street, El Paso, Tex., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between points within five miles of El Paso, Tex., including El Paso.

No. MC-FC 62086. By order of April 28, 1959, the Transfer Board approved the transfer to Vogt Transport, Inc., 7000 Collinsville Road, East St. Louis, Ill., of the operating rights in Permit No. MC 25852, issued February 3, 1942, to Edward G. Vogt, 7000 Collinsville Road, East St. Louis, Ill., authorizing the transportation, over irregular routes, of petroleum products, in bulk and in containers, and service station supplies, from St. Louis and Maplewood, Mo., to points in Madison, Monroe, and St. Clair Counties, Ill., and empty containers, in the reverse direction.

No. MC-FC 62151. By order of April 28, 1959, the Transfer Board approved the transfer to Kenneth G. Duncan, William J. Duncan, and Lloyd G. Duncan, a Partnership, doing business as Duncan Truck Service, Flandreau, S. Dak., of the operating rights in Certificate No. MC 49350, issued February 2, 1955, to Vernon Williams, Lake Benton, Minn., authorizing the transportation, over irregular routes, of general commodities, excluding commodities in bulk and other specified commodities, between Lake Benton, Minn., and points in Minnesota and South Dakota within 18 miles of Lake Benton, on the one hand, and, on the other, Minneapolis, St. Paul, and South St. Paul, Minn., Huron, Sioux Falls, Toronto, and White, S. Dak., and points in a described portion of Iowa, and of livestock, from Brookings, S. Dak., and points within five miles of Brookings, to South St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 62152. By order of April 28, 1959, the Transfer Board approved the transfer to Samuel Gendelman and Jack Rabinowitz, a partnership, doing business as Greenfield Mountain Service, New York, Brooklyn, N.Y., of a certificate in No. MC 94278, issued by the Commission June 9, 1955, to Samuel Gendelman, doing business as Greenfield Mountain Service, New York, Brooklyn, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in non-scheduled, door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, during the season extending from the 15th day of May to the 30th day of September, inclusive, of each year, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Thompson, Fallsburgh, Neversink, and Liberty Townships, Sullivan County, N.Y., operating through New Jersey. Eugene Schwartz, 2573 Atlantic Avenue, Brooklyn 7, New York, N.Y.

No. MC-FC 62159. By order of April 28, 1959, the Transfer Board approved the transfer to J & W Express, Inc., Stratford, Connecticut, of a certificate in No. MC 64558, issued November 16, 1940, to Leon E. Taylor, doing business as Taylor Trucking Company, Norwich,

Conn., authorizing the transportation of general commodities, as defined by the Commission, excluding household goods, and commodities in bulk, over regular routes, between New London, Conn., and Providence, R.I., with service to and from specified intermediate and

off-route points. Mr. Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-3835; Filed, May 6, 1959;  
8:45 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MAY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during May. Proposed rules, as opposed to final actions, are identified as such.

3 CFR	Page	14 CFR—Continued	Page	33 CFR—Continued	Page
<i>Proclamations:</i>		507.....	3574	91.....	3506
3279.....	3527	610.....	3500	96.....	3507
3290.....	3527	1200—1299.....	3574	203.....	3629
<i>Executive orders:</i>		1201.....	3574	207.....	3629
10813.....	3465	<i>Proposed rules:</i>			
10814.....	3474	514.....	3699, 3700		
10815.....	3474				
5 CFR		16 CFR		36 CFR	
6.....	3559, 3692	13.....	3531, 3579, 3580, 3625	251.....	3581
325.....	3475				
6 CFR		17 CFR		37 CFR	
10.....	3559	<i>Proposed rules:</i>		<i>Proposed rules:</i>	
331.....	3475	230.....	3514	201.....	3545
427.....	3475, 3482			202.....	3546
438.....	3559	19 CFR			
443.....	3562	5.....	3532	38 CFR	
482.....	3687	18.....	3532	6.....	3592
		<i>Proposed rules:</i>		8.....	3592
7 CFR		11.....	3513		
106.....	3692	31.....	3535	39 CFR	
301.....	3529			45.....	3533, 3534
861.....	3488	25 CFR		201.....	3592
876.....	3490	121.....	3692	204.....	3592
911.....	3564	221.....	3532		
922.....	3530, 3565, 3623			41 CFR	
953.....	3530	26 CFR		<i>Proposed rules:</i>	
955.....	3491	458.....	3503	202.....	3513
962.....	3565				
968.....	3566	26 (1954) CFR		43 CFR	
1001.....	3573	1.....	3693	<i>Public land orders:</i>	
1069.....	3574	301.....	3503	1673.....	3581
<i>Proposed rules:</i>		<i>Proposed rules:</i>		1812.....	3534
902.....	3630	196.....	3695	1838.....	3534
904.....	3535			1839.....	3534
925.....	3608	29 CFR		1840.....	3581
927.....	3608	526.....	3581	1841.....	3581
934.....	3535	603.....	3503	1842.....	3630
942.....	3697				
990.....	3611	31 CFR		45 CFR	
1021.....	3536	309.....	3533	114.....	3694
		359.....	3533		
8 CFR				46 CFR	
245.....	3491	32 CFR		147.....	3507
10 CFR		1.....	3582	370.....	3625
<i>Proposed rules:</i>		2.....	3586		
20.....	3537	4.....	3586	47 CFR	
140.....	3508	6.....	3586	<i>Proposed rules:</i>	
		7.....	3587	9.....	3611
13 CFR		8.....	3589	12.....	3612
121.....	3491	9.....	3589		
14 CFR		13.....	3589	49 CFR	
1—199.....	3574	16.....	3589	72.....	3595
200—399.....	3574	30.....	3591	73.....	3595
249.....	3531	836.....	3504	74.....	3599
400—635.....	3574	862.....	3505	78.....	3599
409.....	3498	1200—1299.....	3592	184.....	3507
		33 CFR		50 CFR	
		85.....	3506	46.....	3626
		86.....	3506	202.....	3629